

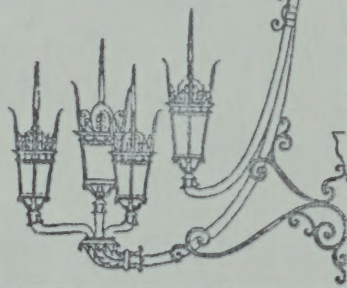
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This work is dedicated to

WILLIAM H. KERR

1911 - 1971

Excerpts from remarks of the Honorable Frank J. Murray, United States District Court Judge and former Corporation Counsel, at the memorial exercises for William H. Kerr in the City Council Chamber, June 12, 1972:

As I stand at this podium, I claim only the privilege of a former colleague and friend, a privilege that could equally be claimed by so many of you here, to join in paying tribute to a simple man who fashioned an extraordinary career of public service measured by his love and devotion to this City and to her countless citizens.

Bill Kerr and I entered the Law Department under the same mayor, the late revered Maurice J. Tobin. Bill's service began in 1939, and I followed two years later. It is now almost a generation since I left the office of Corporation Counsel. He terminated his unparalleled career by retirement a little more than six months ago. Throughout those years, it is likely that everyone in the Law Department and many at City Hall, called him "Bill" or "Billy" Kerr, as we did thirty years ago; and always with genuine admiration and respect for the steady and silent qualities of his personality that made him a legendary figure in our time.

I suspect that the sensitive shyness and reserve that clung to him all through those years would have moved him to look upon this memorial with disapproval. He would have found these exercises unnecessary and undeserving of one who did only his duty. He was selfless, so far as personal glory or distinction or profit was concerned. It was perfection, not distinction or renown, that allured him to the daily performance of his tasks. His greatest mental gifts, as I observed him in the Law Department and later from the Superior Court bench, were (1) the power to assemble facts exhaustively researched, (2) the marshaling of his contentions in due order and (3) the stating of his conclusions with terseness and soundness, so that they sank deeply into minds that listened.

Despite his shyness, once he set his course of action on behalf of the public interest, men could not frighten or deceive or cajole him. He could be aloof to the special pleader, but men in the mass never failed to evoke his warmth and soften his spirit.

His industry was tireless. Characteristically, after leaving the hospital for the last time, he turned directly to the task he had begun of codification of statutes pertaining to the City, as Corporation Counsel Gleason has already adverted, in a last effort to complete the work.

His open and unashamed adherence without compromise to the virtues of duty, loyalty, honor, and to Christian philosophy earned for him the appellation "old-fashioned." But his deeds proclaimed clearly that it was God's praise, not man's praise, that gave him strength to hold fast to his belief in the right - that he was prepared to stand on. In his memorable Ode to Duty, Wordsworth paints that virtue with these words:

"Stern Lawgiver! yet thou dost wear  
"The Godhead's most benignant grace"

In his whole public career Bill Kerr lived the philosophy and religion of that poem. We are grateful for him and his memory, and for the shining example of his deeds.







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## INTRODUCTION

I am delighted to introduce the long-awaited Codification of the Special Laws Relating to the City of Boston. This project was first undertaken 25 years ago by the late William H. Kerr, long the Senior Legal Assistant in the Law Department. In 1950 he was named as the staff of the Special Commission to Codify the Laws Relating to Boston created by chapter 28 of the Resolves of 1950. He got as far as preparing the first draft of a codification of all the special laws enacted through the early 1950's.

When I became Corporation Counsel in 1968, that draft was already faded and fragile. I immediately took the precaution of xeroxing a number of copies and distributing them to several locations, so that one accident would not obliterate the treasure. Thereafter, he and I kept assigning the highest priority to completion of the Codification. But, like our predecessors, Mayor Kevin White and I found Kerr's knowledge, judgment and ingenuity so valuable that we continued to involve him in all of the major controversies in the City. In 1971 he began to have symptoms of heart disease and on November 30 he retired after 32 years of service to the City. He held out to us the promise that he would then be free to devote his entire time to the Codification. On New Year's Eve, however, he died suddenly, leaving the task which he had begun for us to complete as best we could.

His ambition was to clarify, reorganize and modernize the law, not simply to set it forth as written. He then intended to ask the General Court to enact the Codification, as it had the general laws (G.L. c.3 §§51-55; G.L. c.281 and c.282; see also enacting clause to General Laws of Massachusetts (Ter. Ed.) page 92), repeal all prior statutes which it incorporated and (this will amaze those who thought him conventional) empower the Mayor and City Council exclusively to adopt amendments thereafter.

We had to lower the sights and content ourselves with endeavoring to state the law as it had been enacted. We have replaced his interpolations with the verbatim text of the statutes. Where this would have resulted in prolixity and confusion, however, we have used Kerr's work and indicated this by the use of brackets. (See particularly Title 11 §§151 and 152 and the introduction to Title 5, chapter 5.) We have also included a codification of the ordinances adopted through 1974 and a start toward assembling departmental regulations and forms.

The names of the many Assistant Corporation Counsel who brought Kerr's work up to date appear beneath the parts they labored on. Unnamed, but deserving many thanks are the scores of law students who toiled for a major part of their clerkships on this project. The firm of Ropes & Gray reviewed the entire draft of the Codification and corrected many errors. But only the relentless attention of Norman C. Ross and Alison Chalmers of the Law Department finally brought the work to completion.

There are undoubtedly errors which have not been eliminated. But any new law book improves with the criticism and suggestions of its users. We, therefore, solicit both. Publication in looseleaf form will allow ready incorporation of any such changes as well as those made by subsequent legislation.

Herbert P. Gleason  
Corporation Counsel

April 1975





## EXPLANATION

This Code consolidates and codifies the law of the city of Boston. That law falls into three categories: special statutes, ordinances, and regulations.

STATUTES. The "special statutes" of Boston were enacted by the legislature for application in Boston only. They are not, therefore, codified into the various compilations of the General Laws of Massachusetts. Special statutes applicable to individual municipalities are now enacted under pertinent provisions of the Home Rule Amendment to the Massachusetts Constitution (Const. Amend. Art. 89; M.G.L.A. Const. Amend. Art 2) and the Home Rule Procedures Act (G.L. c.43B). Prior to the enactment of the Home Rule Amendment in 1966, the Legislature under Const. Amend. Art. 2 had unlimited power over cities and towns. Mayor of Gloucester v. City Clerk of Gloucester, 327 Mass. 460, 464 (1951). The phrase "special statute" is interchangeable with the phrase "charter provision." G.L. c.4 §7(5).

This Code restates in convenient form the special statutes pertaining to Boston now in effect as enacted and amended. There have been no previous codifications, although in both 1898 and 1938 the special statutes for Boston were compiled chronologically and indexed. The two volume 1938 publication is entitled SPECIAL LAWS RELATING TO THE CITY OF BOSTON, 1692-1938. In this Code we have engrafted rather than simply restated the special statutes relating to Boston. In addition to setting forth the special statutes as they have been explicitly amended over the years, various statutes and portions of statutes of disparate origins, outside the chain of explicit amendment, have been joined together under standard subject matter classifications. Standard types of codifying changes were also made such as clarifying internal references, deleting language repealed by the passage of time, changing "said" to "the," and deleting the word "Boston" and the word "city" when it was used as an adjective. Unlike the Legislature, we have used numbers instead of words in citing other statutes.

The Code is thus the law prima facie only and should be cited together with the official citation which may be found in the historical notes to each code section. The official text, acceptable to the courts under G.L. c.233 §75, of each of the 1000 or more special statutes relating to the city of Boston is contained in the annual volumes of the Acts and Resolves of Massachusetts (which are without a consolidated index). Courts take judicial notice of special statutes as they do of general laws. DiMaggio v. Mystic Building Wrecking Co. 340 Mass. 868,689 (1960).

In addition to locating the special statutes relevant to a particular point, the Code may also be used to determine the status of a particular special statute. The "Table of Disposition of Special Statutes and Charter Provisions" shows in what sections of the Code the various portions of the special statutes were codified. Also, the historical notes of each Code section cite the special statutes amended by, or amending, the particular special statute. Thus one can determine what portions, if any, of the special statute are still in effect. To obtain the legislative history of a special statute, one may consult the various indices and compilations in the State Library. In addition, as noted in New Bedford v. New Bedford, Woods Hole &c. Steamship Authority, 330 Mass. 422,429 (1953), one may consult the City Council Minutes or the City Record, each of which is compiled annually in bound volumes and is available in the City Clerk's office.

Occasionally, within the code's statutory sections there may be references to city ordinances. In Boston, pursuant

to St. 1909 c.486, St. 1949 c.222 or St. 1953 c.473 (see Statutes, Title 2 §752 of this Code) the city may take certain actions, notably abolishing, consolidating, or reorganizing its departments, and fixing certain fees and charges by ordinance, notwithstanding statutes to the contrary. Therefore, if, in the historical notes to any code sections there is a citation to St. 1909 c.486, St. 1949 c.222 or St. 1953 c.473, followed by a citation to an ordinance, a portion of the statute may have been superseded by an ordinance. The text of the ordinance cited may be located in this Code by turning to the "Table of Disposition of the Revised Ordinances of 1961 and 1971 Cumulative Supplement and Ordinances of 1972-1974".

Some chapters refer to relevant Massachusetts and Federal statutory and decisional law, but such references are not exhaustive. If there is a conflict between a special statute relating to Boston and a general law, the special statute is generally controlling. O'Malley v. Commissioner of Public Works of Boston, 340 Mass 542, 549 (1960). But see McDonald v. Superior Court, 299 Mass 321 (1938).

**ORDINANCES.** Ordinances are those laws enacted by the City Council (Statutes, Title 2 §750) either with the approval of the Mayor or by a 2/3 vote of the City Council notwithstanding the objection of the Mayor (Statutes, Title 2 §15). City ordinances are equivalent to by-laws which are enacted by towns. G.L. c.4 §7(22). Under the grant of power in the Home Rule Amendment to the Massachusetts constitution, municipalities have considerable latitude in making laws. The Amendment provides:

Any city or town may, by the adoption, amendment, or repeal of local ordinances or by-laws, exercise any power or function which the general court has power to confer upon it, which is not inconsistent with the constitution or laws enacted by the general court in conformity with powers reserved to the general court by section eight, and which is not denied, either expressly or by clear implication, to the city or town by its charter. Const. Amend. Art. 89 §6; M.G.L.A. Const. Amend. Art 2 §6.

The leading cases construing this section and the other sections known as the "Home Rule Amendment" are Marshall House Inc. v. Rent Review and Grievance Board of Brookline, 357 Mass. 709, 720 (1970), and Bloom v. Worcester, Mass. Adv. Sh. (1973) 291, 307. Boston, because of its 1000 or more special statutes, is somewhat constrained in its ordinance making power. When making law, therefore, the City of Boston must often ask the Legislature to repeal, amend, or supplement one of its special statutes.

The ordinance part of the Code is the official text of the Ordinances of the City of Boston as enacted by chapter 7 of the Ordinances of 1975 (passed by the City Council on September 15, 1975, approved by the Mayor and effective on September 18, 1975). The present official text is a codification of the Revised Ordinances of 1961, its 1971 Cumulative Supplement ("pocket part") and the Ordinances of 1971 - 1975. The legislative history of any ordinance may be researched either in the City Council Minutes or the City Record. Although courts will judicially notice special statutes, ordinances must be introduced into evidence. Forbes v. Kane, 316 Mass. 207, 210 (1944). The City of Boston Code, Ordinances, may be offered into evidence as the "printed copies of any city ordinances" pursuant to G.L. c.233 §75 or as "an official publication thereof" pursuant to Rule 44 of the Massachusetts Rules of Civil Procedure. If, in the words of G.L. c.233 §75 "their genuineness is questioned," the City Clerk will certify either the ordinance in question or all of the ordinances. It is recommended, however, to seek only the City Clerk's attestation of the ordinances in question, because his certification of all the ordinances, their binders being looseleaf, is necessarily a lengthy process and of little value much beyond the time of certification. However, by reference to the tables and the supplement filing sheets, one may easily verify the completeness of the Code. The official version of ordinances passed after the last "up-date" of the Code is the printed "slip sheets" obtainable in the City Clerk's office.



REGULATIONS. The Law Department is compiling and classifying all city documents which could possibly be "regulations." A convenient definition of "regulation" is found in the State Administrative Procedure Act, G.L. c.30A §1(5):

"Regulation" includes the whole or part of every rule, regulation, standard or other requirement of general application and future effect.

While some of the City's regulations are labeled as such and have a clear origin (e.g. the Boston Zoning Code - Regulations, Title 9, chapter 7), the status of other administrative acts, forms and directions for filling out forms is ambiguous (e.g. the "Important Vendor Instructions" on the bottom of the City's standard invoice form). At the date of the printing of this Code, the various regulations have not been compiled. In order not to delay publication of the Code, presently in our regulations sections, only the existence and source for obtaining various city regulations is being noted. The regulations themselves may be published at a later date.

Regulations are not subject to judicial notice but must, like ordinances, be attested to and introduced into evidence. G.L. c.233 §75. Building Commissioner of Boston v. Santilli, 358 Mass. 797 (1971).











**CITE THIS BOOK AS:**

**STATUTES**

City of Boston Code, Statutes, Title \_\_, section \_\_.  
[CBC St. \_\_ § \_\_]

**ORDINANCES**

City of Boston Code, Ordinances, Title \_\_, section \_\_.  
[CBC Ord. \_\_ § \_\_]

**REGULATIONS**

City of Boston Code, Regulations, Title \_\_, chap. \_\_ (explanatory material).  
[CBC Reg. \_\_, chap. \_\_ (exp.mat.)]





# STATUTES

Codification of the  
SPECIAL ACTS AND CHARTER PROVISIONS  
RELATING TO  
THE CITY OF BOSTON

(Prepared by the City of Boston Legal Department  
under the direction of Alison F. Chalmers and Norman C. Ross)

CITE AS

City of Boston Code, Statutes, Title \_\_\_, section \_\_\_.

[CBC St. \_\_\_§\_\_\_]



## TITLE 1

## GENERAL PROVISIONS

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[3	Repeals - Chapter Reserved for new Legislation When Code Enacted	100]

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Chapter 1 - Definitions; Municipal and Fiscal Years  
(Prepared by Thomas H. Martin, Assistant Corporation Counsel)

## Sec.

1	Definitions
2	Municipal Year
3	Fiscal Year

## §1

## DEFINITIONS

The following words shall, unless the context otherwise requires, have the following meanings:

"City", the city of Boston.

"Regular municipal election", the biennial election held for electing officers of the city.

"Preliminary election", the election held for the purpose of nominating candidates whose names shall appear on the official ballot at a municipal election.

## Historical Note

St. 1948 c. 452 §1

## §2

## MUNICIPAL YEAR

The municipal year of the city shall begin at ten o'clock in the forenoon on the first Monday of January and continue until ten o'clock in the forenoon on the first Monday of the January next following.

## Historical Notes

St. 1821 c. 110 §9

St. 1824 c. 49 §1

St. 1854 c. 448 §6

St. 1909 c. 486 §33

St. 1924 c. 479 §5

St. 1948 c. 452 §§8,9

## Cross Reference

G.L. c. 43 §15



## §3

## FISCAL YEAR

The fiscal year of the city shall begin on July first and end on the June thirtieth next following.

## Historical Notes

St. 1909 c. 486 §33

St. 1924 c. 479 §5

St. 1948 c. 452 §9

St. 1969 c. 849 §63

## Cross Reference

G.L. c. 44 §56A

## TITLE 2

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Chapter 1 - Form of Government; In General  
(Prepared by Thomas H. Martin, Assistant Corporation Counsel)

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4	Acting Mayor
5	Vacancy in Office of Mayor
6	Salary of Mayor
7	Appointment and Removal by Mayor of Secretaries, Etc.
8	Election of City Councillors
9	Vacancy in Office of City Councillor
10	Salary of City Councillor
11	Council as Judge of its Members, Presiding Officer, Rules
12	Mayor's Power to Call Council
13	Establishment by City Council of Offices for Conduct of its Affairs
14	Elections by City Council
15	Veto of City Council Orders, Etc.
16	Appearance of Mayor, Etc. Before Council

- 17 Councillors Prohibited From Engaging in Certain Activities  
18 Holding by Councillors of Other Office or Position

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Statute 1945 c.4 and St. 1947 c.580, are not codified, having been superseded by the passage of time. Both statutes made specific provisions for filling temporary vacancies in the office of mayor occurring in 1945 and 1947 respectively. All portions of St. 1948 c.452, as amended by St. 1951 c.376, and by St. 1956 c.682, which relate to the adoption, and the form, of plans of government other than Plan A, so called, in said St. 1948 c.452, were nullified by the enactment of G.L. c.43B §18, as appearing in St. 1966 c.734 §1. Portions of St. 1948 c.452 as amended, that were so nullified, have not been codified.

---

## §1 IN GENERAL

There shall be in the city a Mayor, who shall be the chief executive officer of the city, a City Council of nine members, which shall be the legislative body of the city, and a School Committee of five members, which shall have the powers and duties conferred and imposed by law.

### Historical Notes

- St. 1821 c. 110 §§1,12
- St. 1854 c. 448 §§2,45
- St. 1908 c. 292 §2
- St. 1909 c. 486 §1
- St. 1948 c. 452 §11
- St. 1951 c. 376 §1

### Cross Reference

- G.L. c. 43 §§31,48,50

## §2 OATHS OF OFFICE

Every person elected mayor and every person elected or chosen city councillor or school committeeman shall, before entering upon the duties of his office, take, and subscribe in a book to be kept by the city clerk for the purpose, the oath of allegiance and oath of office prescribed in the constitution of this commonwealth and an oath to support the constitution of the United States. Such oaths shall be administered, to a person elected mayor, by a justice of the supreme judicial court, a judge of a court of record commissioned to hold such court within the city or a justice of the peace, and to a person elected or chosen city councillor or school committeeman, by the mayor or any of the persons authorized to administer said oaths to a person elected mayor.

### Historical Notes

- St. 1821 c. 110 §9



St. 1854 c. 448 §27  
St. 1948 c. 452 §11A  
St. 1951 c. 376 §1

Cross Reference

G.L. c. 43 §17

§3

ELECTION OF MAYOR

At every second regular municipal election after a regular municipal election at which a mayor is elected, a mayor shall be elected at large to hold office for the four municipal years following the municipal year in which he is elected and thereafter until his successor is elected and qualified.

Historical Notes

St. 1821 c. 110 §5  
St. 1854 c. 448 §15  
St. 1895 c. 449 §1  
St. 1909 c. 486 §45  
Sp. St. 1918 c. 94 §1  
St. 1924 c. 479 §6  
St. 1938 c. 300 §1  
St. 1948 c. 452 §12  
St. 1951 c. 376 §1

Cross Reference

G.L. c. 43 §48

§4

ACTING MAYOR

Whenever the mayor is absent from the city or unable from any cause to perform his duties, and whenever there is a vacancy in the office of mayor from any cause, the president of the city council, while such absence, inability or vacancy continues, shall perform the duties of mayor. If there is no president of the city council or if he is also absent from the city or unable from any cause to perform such duties, they shall be performed until there is a mayor or president of the city council or the mayor or president of the city council returns or is able to attend to said duties, by such member of the city council as that body by a vote which, for the purposes of section 15, shall be deemed to be a vote electing an official, may elect, and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor" and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

Historical Notes

St. 1821 c. 110 §5  
St. 1854 c. 448 §29  
St. 1909 c. 486 §47  
St. 1914 c. 730 §3  
St. 1924 c. 479 §7  
St. 1948 c. 452 §13  
St. 1951 c. 376 §1

## Cross References

G.L. c. 39 §5

G.L. c. 43 §26

## §5

## VACANCY IN OFFICE OF MAYOR

If a vacancy occurs in the office of mayor within sixteen weeks prior to a regular municipal election other than a regular municipal election at which a mayor is elected, or within sixteen months after a regular municipal election, or if there is a failure to elect a mayor or a person elected mayor resigns or dies before taking office, the city council shall forthwith adopt an order calling a special municipal election for the purpose of electing at large a mayor for the unexpired term, which election shall be held on such Tuesday, not less than one hundred and twenty days nor more than one hundred forty days after the adoption of such order, as the city council shall in such order fix. If a vacancy occurs in the office of the mayor at any other time, a mayor shall be elected at large at the next regular municipal election to hold office for a term expiring at ten o'clock in the forenoon on the first Monday of the fourth January following his election. A person elected mayor under either of the foregoing provisions shall take and subscribe the oaths required by section 2 as soon as conveniently may be after the issuance to him of his certificate of election. Such person shall hold office from the time of taking and subscribing such oaths until the expiration of his term and thereafter until his successor is elected and qualified. The provisions of this section shall not apply if a vacancy occurs in the office of mayor in the period beginning on the date of a regular municipal election at which a new mayor is elected and ending at the time he takes office.

## Historical Notes

St. 1821 c. 110 §5

St. 1854 c. 448 §§16,17,18,50

St. 1895 c. 449 §1

St. 1909 c. 486 §§47,46

St. 1914 c. 730 §3

St. 1924 c. 479 §7

St. 1948 c. 452 §§13,19

St. 1951 c. 376 §1

## Cross Reference

G.L. c. 43 §26

## §6

## SALARY OF MAYOR

The mayor shall be paid an annual salary of twenty thousand dollars or such other sum as may from time to time be fixed by ordinance. The mayor shall not receive for his services any other compensation or emolument whatever; nor shall he hold any other office of emolument under the city government.

## Historical Notes

St. 1821 c. 110 §12

St. 1854 c. 448 §§43,45

St. 1885 c. 266 §11

St. 1951 c. 376 §1

St. 1952 c. 259 §3

Cross References

G.L. c. 39 §7

G.L. c. 43 §17A

§7

APPOINTMENT AND REMOVAL BY MAYOR OF SECRETARIES, ETC.

The civil service laws shall not apply to the appointment of the mayor's secretaries, nor of the stenographers, clerks, telephone operators, and messengers connected with his office; and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal. The mayor may designate one clerical assistant for whose acts he shall be responsible to sign his name in approval of all vouchers of less than five hundred dollars each.

Historical Notes

St. 1909 c. 486 §15

St. 1924 c. 479 §3

§8

ELECTION OF CITY COUNCILLORS

At every regular municipal election, there shall be elected at large nine city councillors, each to hold office for the two municipal years following the municipal year in which he is elected.

Historical Notes

St. 1821 c. 110 §§6,7

St. 1854 c. 448 §§19,20

St. 1875 c. 243 §2

St. 1885 c. 266 §10

St. 1893 c. 473 §1

St. 1909 c. 486 §48

St. 1924 c. 479 §14

St. 1948 c. 452 §14

St. 1951 c. 376 §1

Cross Reference

G.L. c. 43 §50

§9

VACANCY IN OFFICE OF CITY COUNCILLOR

If at any time a vacancy occurs in the city council from any cause, the city clerk shall forthwith notify the city council thereof; and within fifteen days after such notification, the remaining city councillors shall choose, as city councillor for the unexpired term, whichever of the defeated candidates for the office of city councillor at the regular municipal election at which city councillors were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate



eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of city councillor. If at a regular municipal election there is a failure to elect a city councillor or if a person elected city councillor at such an election resigns or dies before taking office, the city clerk shall, as soon as conveniently may be after the remaining city councillors-elect take office, notify the city council of such failure to elect, resignation or death; and within fifteen days after such notification, the members thereof shall choose, as city councillor for the unexpired term, whichever of the defeated candidates for the office of city councillor at such election, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of city councillor. If in any of the aforesaid events a choice is not made as hereinbefore provided within fifteen days after the notification of the city council by the city clerk, the choice shall be made by the mayor, or, if there is no mayor, by the city councillor senior in length of service, or, if there be more than one such, by the city councillor senior both in age and length of service. For the purposes of section 15, votes of the city council under this section shall be deemed to be votes electing officials.

#### Historical Notes

- St. 1821 c. 110 §§6,7
- St. 1854 c. 448 §§18,19,21,22,23,25
- St. 1880 c. 225 §§5,6
- St. 1909 c. 486 §50
- St. 1924 c. 479 §15
- St. 1948 c. 452 §§14,15,16
- St. 1951 c. 376 §1
- St. 1952 c. 190 §1

#### Cross Reference

- G.L. c. 43 §50A

## §10

### SALARY OF CITY COUNCILLOR

Every city councillor shall be paid an annual salary of five thousand dollars [ or such other sum as may from time to time be fixed by ordinance under section 6A of chapter 39 of the General Laws] and no other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any city councillor.

#### Historical Notes

- St. 1909 c. 486 §49
- St. 1930 c. 348 §1
- St. 1945 c. 461 §1
- St. 1948 c. 452 §§15,16
- St. 1948 c. 555 §1
- St. 1949 c. 223 §1
- St. 1951 c. 376 §1

#### Cross References

- G.L. c. 39 §6A
- G.L. c. 43 §17A

## §11 COUNCIL AS JUDGE OF ITS MEMBERS, PRESIDING OFFICER, RULES

The city council shall be the judge of the election and qualifications of its members; shall elect from its members by vote of a majority of all the members a president who when present shall preside at the meetings thereof; and shall from time to time establish rules for its proceedings. The member eldest in years shall preside until the president is chosen, and in case of the absence of the president, until a presiding officer is chosen. [All meetings of the city council shall be public.]

### Historical Notes

St. 1821 c. 110 §§7,10,11  
St. 1854 c. 448 §§24,33,34  
St. 1909 c. 486 §50  
St. 1924 c. 479 §15  
St. 1948 c. 452 §17  
St. 1951 c. 376 §1

### Cross Reference

G.L. c. 43 §18

## §12 MAYOR'S POWER TO CALL COUNCIL

The mayor may, whenever in his judgment the good of the city requires it, summon a meeting or meetings of the city council although said council stands adjourned to a more distant day, and shall cause suitable written notice of such meeting or meetings to be given to the city councillors.

### Historical Notes

St. 1821 c. 110 §12  
St. 1854 c. 448 §46  
St. 1951 c. 376 §1

## §13 ESTABLISHMENT BY CITY COUNCIL OF OFFICES FOR CONDUCT OF ITS AFFAIRS

The city council may, subject to the approval of the mayor, from time to time establish such offices, other than that of clerk, as it may deem necessary for the conduct of its affairs and at such salaries as it may determine, and abolish such offices or alter such salaries; and without such approval may fill the offices thus established and remove the incumbents at pleasure. The city clerk shall act as clerk of the city council.

### Historical Notes

St. 1909 c. 486 §§1,22  
St. 1951 c. 376 §1

## §14 ELECTIONS BY CITY COUNCIL

All elections by the city council under any provision of law, including the choosing of a city councillor under section 9, shall be made by a viva voce vote, each member who is present answering

to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote, as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

#### Historical Notes

St. 1909 c. 486 §51

St. 1951 c. 376 §1

#### Cross Reference

G.L. c. 39 §3

### §15

#### VETO OF CITY COUNCIL ORDERS, ETC.

Every order, ordinance, resolution and vote of the city council (except special municipal election orders adopted under section 5, votes relating to the internal affairs of said council, resolutions not affecting legal rights, votes electing officials, and votes confirming appointments by the mayor) shall be presented to the mayor for his approval. If he approves it, he shall sign it; and thereupon it shall be in force. If he disapproves it, he shall, by filing it with the city clerk with his objections thereto in writing, return it to the city council which shall enter the objections at large on its records. Every order, ordinance, resolution and vote authorizing a loan or appropriating money or accepting a statute involving the expenditure of money, which is so returned to the city council, shall be void, and no further action shall be taken thereon; but the city council shall proceed forthwith to reconsider every other order, ordinance, resolution and vote so returned, and if, after such reconsideration, two thirds of all the city councillors vote to pass it notwithstanding the disapproval of the mayor, it shall then be in force; but no such vote shall be taken before the seventh day after the city council has entered the objections at large on its records. Every order, ordinance, resolution or vote required by this section to be presented to the mayor which, within fifteen days after such presentation, is neither signed by him nor filed with his written objections as hereinbefore provided, shall be in force on and after the sixteenth day following such presentation.

Every order, ordinance, resolution or vote required by this section to be presented to the mayor shall be approved as a whole or disapproved as a whole; except that, if the same authorizes a loan or appropriates money, the mayor may approve some of the items in whole or in part and disapprove other of the items in whole or in part; and such items or parts of items as he approves shall, upon his signing the same, be in force and such items or parts of items as he disapproves by filing with the city clerk his written objections thereto shall be void, and such items or parts of items as he neither signs nor so disapproves within fifteen days after the order, ordinance, resolution or vote shall have been presented to him shall be in force on and after the sixteenth day following such presentation.

#### Historical Notes

St. 1854 c. 448 §47

St. 1885 c. 266 §§9,10

St. 1908 c. 292 §§1,2

St. 1909 c. 486 §4

St. 1948 c. 452 §18A

St. 1951 c. 376 §1



## Cross References

G.L. c. 39 §4

G.L. c. 43 §55

## §16

## APPEARANCE OF MAYOR, ETC. BEFORE COUNCIL

The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.

## Historical Notes

St. 1821 c. 110 §12

St. 1854 c. 448 §46

St. 1899 c. 478 §§1,2,3

St. 1909 c. 486 §7

St. 1948 c. 452 §17F

St. 1951 c. 376 §1

## Cross Reference

G.L. c. 43 §19

## §17

## COUNCILLORS PROHIBITED FROM ENGAGING IN CERTAIN ACTIVITIES

Except as otherwise provided in chapter 486 of the acts of 1909, neither the city council nor any member, committee, officer or employee thereof shall directly or indirectly on behalf of the city or of the county of Suffolk take part in the employment of labor, the making of contracts, or the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, or management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any city or county employee; nor in the expenditure of public money except such as may be necessary for the contingent and incidental expenses of the city council. Any person violating any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

## Historical Notes

St. 1885 c. 266 §12

St. 1909 c. 486 §8

St. 1948 c. 452 §17G

St. 1951 c. 376 §1

## §18

## HOLDING BY COUNCILLORS OF OTHER OFFICE OR POSITION

No city councillor nor any person elected city councillor shall, during the term for which he is elected or chosen, be appointed to, or hold, any office or position which is under the city

government or the salary of which is payable out of the city treasury except the office of city councillor and any office held ex officio by virtue of being a member, or president, of the city council; provided, however, that nothing herein contained shall prevent a city councillor or any person elected city councillor from, during the term for which he is elected or chosen, being appointed by the governor, with or without the advice and consent of the council, to, and holding, any such office or position if before entering upon the duties of such office or position he resigns as city councillor or city councillor elect.

#### Historical Notes

St. 1821 c. 110 §§21,22

St. 1854 c. 448 §43

St. 1875 c. 241 §7

St. 1884 c. 115

St. 1885 c. 266 §3

St. 1906 c. 231 §1

St. 1914 c. 489 §1

St. 1951 c. 376 §1

#### Cross Reference

G.L. c. 39 §§7,8

Chapter 3 - Incorporation Of City  
(Prepared by Alison Chalmers, Legal Assistant)

Sec.

100 Incorporation Of City

§100

## INCORPORATION

The inhabitants of the city of Boston, for all the purposes for which towns and cities are, by law, incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the City of Boston, and as such, shall have, exercise, and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to, the city, as a municipal corporation.

## Historical Notes

St. 1821 c. 110 §1

Sp. St. 1854 c. 448 §1



Chapter 5 -- Elections

(Prepared by Lawrence J. Ball, Assistant Corporation Counsel  
and Susan P. Walker, Legal Assistant)

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#### Election Department

### §200 ELECTION COMMISSION. APPOINTMENT, TERM, COMPENSATION, REMOVAL, ETC.

The election department of Boston shall be under the charge of a board of election commissioners consisting of four citizens and voters of Boston who shall be appointed by the mayor; and chapter 486 of the acts of 1909, and all other acts relating to departments of Boston, or the officers and employees thereof, not inconsistent herewith, shall be applicable to said department and the officers and employees thereof.

The board shall be so selected that two members shall always belong to each of the two leading political parties; and one member shall annually be appointed for the term of four years, beginning with the first day of April in the year of his appointment. The mayor shall annually, on or before the first day of April, designate one member as chairman for the year beginning with said day, and may, after notice and hearing, remove any member for cause. The chairman of the board shall receive an annual salary of four thousand dollars, and each of the other commissioners three thousand five hundred dollars, or such other salary as the city council may by ordinance prescribe.

#### Historical Notes

- St. 1874 c. 60 §1
- St. 1893 c. 417 §25
- St. 1895 c. 449 §§2,3
- St. 1898 c. 548 §§70,71
- R.L. c. 11 §§69,70
- St. 1907 c. 560 §§78,79
- St. 1913 c. 835 §§78,79

### §201 POWERS AND DUTIES OF ELECTION COMMISSION

All the powers and duties relating to primaries or elections by law vested in and imposed upon the mayor and aldermen or either of them, the city clerk or the board of registrars of voters in cities, excepting the power and duty of giving notice of elections, and fixing the days and hours of holding the same, shall, in the city of Boston, be vested in and performed by the board of election commissioners of the city, who shall be subject to all penalties prescribed for failure to perform the duties.

#### Historical Notes

- St. 1895 c. 449 §4

St. 1898 c. 548 §9

R.L. c. 11 §8

St. 1907 c. 560 §8

St. 1913 c. 835 §8

## §202

## BALLOT LAW COMMISSION AND TIE VOTE OF THE ELECTION COMMISSIONERS

The board shall constitute the Boston ballot law commission, and shall in all matters relating to objections and questions arising in the case of nominations of candidates for city offices have the powers and perform the duties prescribed for the state ballot law commission; and when sitting as such, the chief justice of the municipal court of the city, or in case of his disability the senior justice of said court who is not disabled, shall be a member of the board and shall preside, but shall not vote unless the other commissioners are equally divided; and in every other matter in which the commissioners are equally divided the chief justice shall act with them and shall cast the deciding vote.

## Historical Notes

St. 1895 c. 449 §5

St. 1898 c. 548 §73

R.L. c. 11 §72

St. 1907 c. 560 §81

St. 1913 c. 835 §81

## §203

## ASSISTANT REGISTRARS

The board shall annually, between the first day of April and the first day of October, appoint assistant registrars of voters, not exceeding four for each ward, who shall hold office for the term of one year, beginning with the first day of October, unless sooner removed by the election commissioners, and who shall equally represent the two leading political parties.

## Historical Notes

St. 1874 c. 60 §4

St. 1889 c. 337 §§2,4

St. 1893 c. 417 §33

St. 1898 c. 548 §72

R.L. c. 11 §71

St. 1907 c. 560 §80

St. 1913 c. 835 §80

St. 1920 c. 305 §§1,2

## Cross Reference

G.L. c. 51 §22

## §204

## CIVIL SERVICE EMPLOYEES OF THE ELECTION DEPARTMENT

All appointments to the position of assistant registrar of voters in Boston for regular and permanent assignment to work in the office of the election department of the city shall hereafter be subject



to the civil service laws and regulations, and the present and future incumbents of those positions shall hold office until removed in accordance with the laws relating to civil service employees. The present incumbents shall be entitled to the protection of the laws and regulations without examination.

To be eligible for appointment to the position aforesaid under section 80 of chapter 835 of the acts of 1913, an applicant for civil service examination shall file with the civil service commission a certificate signed by a member of the board of election commissioners of the city of the same political party affiliation as the applicant, which shall certify to the applicant's enrollment in the party for the three consecutive years next preceding the date of his application.

Nothing in this chapter shall affect the appointment or employment of assistant registrars of voters who are per diem employees and appointed for outside ward registration work, or employed in the office of the department for temporary work not exceeding thirty days in any one year.

The offices of assistants in the election department, established under section 20 of chapter 449 of the acts of 1895, shall be subject to the civil service laws and the rules and regulations made thereunder, and the term of office of any incumbent of any of said offices shall be unlimited, except that he may be removed in accordance with such laws, rules and regulations; but the persons holding said offices on the effective date of chapter 137 of the acts of 1929 may continue therein without taking a civil service examination.

#### Historical Notes

- St. 1874 c. 60 §4
- St. 1889 c. 337 §§2,4
- St. 1893 c. 417 §33
- St. 1898 c. 548 §72
- R.L. c. 11 §71
- St. 1907 c. 560 §80
- St. 1913 c. 835 §80
- St. 1920 c. 305 §§1,2,3
- St. 1929 c. 137 §1

## §205

### ELECTION OFFICERS

The mayor of every city, except Boston, and other cities where city charters provide otherwise, shall annually, with the approval of the board of aldermen, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall, at the time of their appointment, be qualified voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two deputy inspectors in addition. Every such nomination shall be filed in the office of the city clerk of such city in the month of August, and on or before the thirty-first day of said month, and shall be acted upon by the board of aldermen not less than three days after filing of such nomination and on or before the second Monday in September following. Such nomination shall be open to public inspection. In cities in which the board of aldermen or the board having the powers of a board of aldermen has accepted or hereafter accepts the provisions of this section the following election officers shall not be appointed:--deputy warden, deputy clerk and deputy inspectors.

In Boston the election officers aforesaid shall be appointed by the election commissioners except that no deputy election officers shall be appointed.

In Boston, the election commissioners may upon the day of any election therein, forthwith remove any election officer found to be incompetent or so conducting himself as to prejudice the public interest, and appoint some other person of the same political party in his place; and the officer so removed shall receive no compensation for services rendered on such day, and shall be disqualified for appointment as an election officer for one year thereafter.

If a vacancy in the number of the election officers occurs before the twentieth day of September in any year, or, in a city, after the first day of November and one week at least before the annual city election, or if an election officer declines his appointment and gives notice thereof to the city or town clerk, or in Boston to the election commissioners, before the twentieth day of September, or, if at a special election the office of an election officer is vacant, the mayor, with the approval of the aldermen, or the selectmen, shall fill the vacancy; and the appointment shall be so made as to preserve the equal representation of the two leading political parties. Appointments to fill vacancies may be acted upon immediately by the board of aldermen. In Boston such vacancies shall be filled by the election commissioners.

No person shall, at a state, city or town election, be eligible or act as an election officer in a voting precinct in which he is a candidate for election; and if a person who has been appointed an election officer becomes such a candidate, and does not forthwith resign his office, the mayor or selectmen, in Boston the election commissioners, shall, if he is a candidate at a state election, remove him from office before the first day of November, or, if he is a candidate at a city election, the mayor, in Boston the election commissioners, shall so remove him at least eight days before the day of the election, or if he is a candidate at a town election the selectmen shall remove him before the election.

Every election officer before entering upon the performance of his official duties shall be sworn before the city or town clerk, a justice of the peace, or the presiding officer or clerk at the polls, and a record thereof shall be made. In Boston, the oath, except in case of vacancies filled at the polls, shall be taken before an election commissioner and record thereof made.

#### Historical Notes

- St. 1896 c. 393 §§1,2
- St. 1896 c. 547 §8
- St. 1897 c. 296 §7
- St. 1898 c. 548 §§171,178,376
- R.L. c. 11 §174,181,380
- St. 1902 c. 157 §1
- St. 1906 c. 444 §13
- St. 1907 c. 560 §§200,203,204,210,410
- St. 1913 c. 835 §§226, 229,230,231,236,450
- St. 1919 c. 269 §12

#### WARDENS, CLERKS AND INSPECTORS

If a warden, clerk or inspector is absent at the opening of the polls or subsequently on the day of election, or if the office is vacant, the deputy of such officer shall act for that election in his place. If the warden and deputy warden, clerk and deputy clerk, or an inspector and his deputy,

shall be absent, the voters of the precinct on nomination and by hand vote shall fill the vacancy, and the officer so elected shall act during the remainder of the election; but otherwise no deputy officer shall act in an official capacity or be admitted to the space reserved for election officers while the polls are open or during the counting of the votes.

In cities where no deputy warden or deputy clerk is appointed, if a warden or clerk is absent at the opening of the polls or subsequently on the day of election, or if the office is vacant, the senior inspector of the same political party as such warden or clerk shall act as warden or clerk for that election, and the voters of the precinct, on nomination and by hand vote, shall fill the vacancy in the office of inspector.

At state elections in cities and in towns divided into voting precincts, and in city elections, the presiding election officer of each voting place or precinct shall detail two inspectors of different political parties to act as ballot clerks, who shall have charge of the ballots and shall furnish them to voters.

#### Historical Note

St. 1913 c. 835 §§232,233

### Listing of Residents and Registration of Voters

§207

#### LISTING BOARD POWERS AND DUTIES

In Boston there shall be a listing board composed of the police commissioner of the city and the board of election commissioners. In case of disagreement between the members of the listing board, the chief justice of the municipal court of the city of Boston, or, in case of his disability, the senior justice of said court who is not disabled, shall, for the purpose of settling such disagreement, be a member of said listing board and shall preside and cast the deciding vote in case of a tie.

#### Historical Notes

Gen. Acts 1917 c. 29 §7

St. 1938 c. 287

§208

#### ANNUAL LISTING OF RESIDENTS

The listing board shall annually in January or February, by itself or by police officers subject to the jurisdiction of the police commissioner, visit every building in the city, and, after diligent inquiry, list, as nearly as the board can ascertain, the name, age or year of birth, sex, citizenship, occupation, and residence on January first in the preceding year and in the current year, of every person twenty years of age or older, who is not a pauper in a public institution, residing in the city. The listing board shall include in the listing of every person the name and residence of the person giving the information relating to such person.

#### Historical Notes

St. 1917 c. 29 §8

St. 1921 c. 114 §1

St. 1956 c. 265 §1

#### Cross Reference

G.L. c. 51 §1,4 (In 1970 the voting age became 18, changing the age for listing from 20 to 17. St. 1974 c.113 amended G.L. c.51 §1,4 to allow listing to be done by mail or telephone.)



## §209 PREPARATION OF STREET LISTS

The listing board shall, on or before April fifteenth in each year, prepare lists, arranged by streets and voting precincts, in which the board shall designate all buildings used as residences, in their order on the street where they are located, by giving the number or other definite description of each building so that it can be readily identified, and shall place opposite to or under each number or other description of a building the name, age or year of birth, sex, citizenship, occupation, and residence on January first in the preceding year and in the current year, of every person listed under section 208.

## Historical Notes

St. 1917 c. 29 §8

St. 1921 c. 114 §1

St. 1956 c. 265 §1

## Cross Reference

G.L. c. 51 §§6,7

## §210 INFORMATION AS TO NATIONALITY

In the annual listing of residents of the city for voting purposes it shall be sufficient if information is procured and set forth in such lists as to whether or not the persons listed are citizens of the United States without procuring and setting forth information relative to their nationality.

## Historical Note

St. 1937 c. 226

## §211 PUBLICATION AND DISTRIBUTION OF STREET LISTS

The listing board shall, on or before April fifteenth in each year, transmit to the board of assessors a certified copy of the lists prepared under section 209 and to the board of election commissioners another certified copy thereof, and shall, on or before June fifteenth in each year, cause such lists to be printed in pamphlet form by voting precincts and deliver to the board of election commissioners as many printed copies thereof as the board may require and hold the remaining copies for public distribution.

## Historical Notes

Gen. Acts 1917 c. 29 §10

St. 1921 c. 114 §3

St. 1956 c. 265 §2

## Cross Reference

G.L. c. 51 §§5,6

## §212 INCORRECT LISTINGS

The board shall, upon the personal application of a person listed for the correction of any error in their lists or whenever informed of any such error, make due investigation, and upon proof

thereof correct the same on their lists, and shall immediately notify the election commissioners of such correction, who shall correct their copies of the lists accordingly and proceed to revise and correct the registers under the provisions of section 38 of chapter 51 of the General Laws. The board shall cause all applications and affidavits received by it under this section to be preserved for two years.

#### Historical Note

St. 1921 c. 114 §1

### §213

#### OMITTED LISTINGS AND LISTING OF PERSONS BECOMING RESIDENTS AFTER JANUARY FIRST

If a person, twenty years of age or older, resident in the city on January first in any year, is not listed by the listing board, such person shall, in order to establish his right to be listed, present in person a written statement under oath to the election commissioners or assistant registrars, who are hereby authorized to administer oaths for this purpose, that he was on January first of such year a resident of the city, giving his name, age or year of birth, sex, citizenship, occupation, and residence on January first in the preceding year and in the current year. The board of election commissioners shall forthwith transmit a copy of such statement to the police commissioners who shall detail an officer to verify the statement of the applicant as to residence, and shall report to the election commissioners within five days the result of the investigation of the officer. If the statement of the applicant as to residence is found to be true, the election commissioners shall place the name of the applicant on the voting list; otherwise the election commissioners shall forthwith notify the applicant to appear before them, and, if not satisfied that the statement is true, shall not place the applicant's name on the voting list; provided, that no application for registration under the provisions of this section shall be received by the election commissioners or assistant registrars later than the twentieth day preceding a state or municipal election.

#### Historical Notes

St. 1917 c. 29 §11

St. 1921 c. 114 §4

St. 1956 c. 265 §3

St. 1965 c. 315

#### Cross Reference

G.L. c. 51 §1,9 (In 1972 the voting age was lowered to 18. As a result, in all probability, persons seventeen years of age or older would have the right to be listed by the listing board.)

G.L. c. 51 §4

### §214

#### GENERAL REGISTER

The board of election commissioners shall prepare books for the registration of voters; and the books so prepared shall constitute the general register of voters in the city. The books shall be in substantially the following form:

Date of Registration.	
Name.	
Signature.	
Residence on January 1 (or subsequent date).	
Occupation and Place of Occupation.	
Place of Birth.	
Minutes of Naturalization.	
Length of Residence in City.	
Age or Year of Birth.	
Height.	
Residence on Date of Registration.	
Remarks.	

Under the several headings there shall be entered with respect to every person registered a voter the following:

- (a) The day, month and year when he is registered a voter.
- (b) His surname, and his first Christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have.
- (c) The person registered shall write his name on a line with the statements herein set forth.
- (d) His residence on January first in the year in which he is registered or at the time of becoming a resident of the city after that date.
- (e) His occupation and the place thereof.
- (f) The name of the city or town and of the state, country, kingdom, empire or dominion where he was born.
- (g) If a naturalized citizen, the court where, and the date when, he was naturalized.
- (h) The number of months or years he has lived in the city.
- (i) His age or the year of his birth.
- (j) His approximate height.
- (k) His residence when he is registered a voter.



The residence of the person both at the date of registration and on January first in the year of registration or at the time of becoming a resident of the city after that date shall be stated by the street and number of his dwelling, or, if there is no number, by such clear and definite description of the place of his dwelling that it can be readily ascertained; and if more than one family resides in the dwelling, the suite in which the person registered resides; and if there is more than one house at the number given by the person registered, in which one of them he resides.

#### Historical Notes

St. 1913 c. 835 §§82,83

St. 1921 c. 93 §1

St. 1956 c. 265 §4

### §215

#### SESSIONS FOR REGISTRATION

The board of election commissioners shall hold such day sessions as the city may by ordinance prescribe and such additional sessions as they shall deem necessary. They shall, in any event, hold in or near each ward in the city not less than ten evening sessions, each of at least three hours' duration, between the first day of August and the close of registration before the biennial state election, and not less than five such evening sessions between the first day of November and the close of registration before the annual city election. They shall also hold at their principal office a continuous session from nine o'clock in the morning until ten o'clock in the evening on the twentieth day preceding the biennial state election, and a like continuous session on the twentieth day preceding the annual city election and a continuous session from twelve o'clock noon until ten o'clock in the evening on the seventh day preceding a special election.

#### Historical Notes

St. 1892 c. 351 §16

St. 1893 c. 417 §37

St. 1894 c. 271 §1

St. 1898 c. 548 §76

R.L. 11:75

St. 1907 c. 560 §84

St. 1913 c. 835 §83

St. 1915 c. 48

St. 1919 c. 269 §6

St. 1920 c. 142

#### Nomination and Election of Elective Officials

### §216

#### PRELIMINARY ELECTION

Every municipal officer required by sections 12,13,14 and 18 of chapter 452 of the acts of 1948 to be elected at large shall be elected at a biennial municipal election, or, in the case of a mayor for an unexpired term, at a special municipal election, after, in either case nomination at a preliminary municipal election, except as otherwise provided in section 57C of chapter 376 of the acts of 1951 in sections 216 to 231 inclusive the term "regular election" shall be construed to refer to the biennial municipal election or the special municipal election, as the case may be,

and the term "preliminary election" to the preliminary municipal election held for the purpose of nominating candidates for election at such regular election. Every preliminary election shall, unless dispensed with under section 224, be held on the sixth Tuesday preceding the regular election.

#### Historical Notes

St. 1909 c. 486 §43

St. 1948 c. 452 §53

St. 1951 c. 376 §2

#### Cross Reference

G.L. c. 43 §44B

### §217

#### QUALIFICATIONS OF CANDIDATES

Any person who is a registered voter of the city duly qualified to vote for a candidate for an elective municipal office therein may be a candidate for nomination to such office; provided that a petition for the nomination of such person is obtained, signed and filed as provided in sections 218, 219, and 220, [ 55, 55A and 56 of chapter 376 of the acts of 1951], and signatures of petitioners thereon, to the number required by section 220, certified as provided in section 220 by the board of election commissioners, in sections 218, to 231, inclusive, called the election commission.

#### Historical Notes

St. 1909 c. 486 §§53,55

St. 1914 c. 730 §4

St. 1921 c. 65 §1

St. 1951 c. 376 §2

### §218

#### STATEMENT OF CANDIDACY

A nomination petition shall be issued only to a person subscribing after the thirteenth Tuesday, and before the eighth Tuesday, preceding the preliminary election, in a book kept for that purpose by the election commission, a statement of candidacy in substantially the following form:--

#### THE COMMONWEALTH OF MASSACHUSETTS

#### CITY OF BOSTON

#### STATEMENT OF CANDIDACY

I, (name with first or middle name in full), under the pains and penalties of perjury declare that I reside at (street and number, if any) in Ward (number) of the City of Boston; that I am a registered voter of said City duly qualified to vote for a candidate for the office hereinafter mentioned; that I am a candidate for nomination for the office of (Mayor or City Councillor or School Committeeman); that I request that my name be printed as such candidate on the official ballot to be used at the preliminary municipal election to be held on Tuesday, ,19\_\_ for the purpose of nominating candidates for election to such office; and that I also request that my nomination petition contain the following statement (not exceeding eight words) concerning

the elective public offices now or formerly held by me:-- . . . . .  
 . . . . .  
 Signature of Candidate . . . . .

#### Historical Notes

St. 1909 c. 486 §54	St. 1941 c. <del>472</del> §2
St. 1914 c. 730 §5	St. 1948 c. 452 §§55,56
St. 1921 c. 340	St. 1951 c. 376 §2
St. 1924 c. 479	
St. 1926 c. 105 §2	

§219

### NOMINATION PETITION, ISSUANCE

A nomination petition shall be issued by the election commission not later than twelve o'clock noon on the second day (Saturdays, Sundays and legal holidays excluded) after the subscription of a statement of candidacy, except that no such petition shall be issued before the eleventh Tuesday preceding the preliminary election. A nomination petition shall not relate to more than one candidate nor to more than one office. A nomination petition may state the elective public offices which the candidate holds or has held under the government of the commonwealth, the county of Suffolk or the city of Boston or in the congress as a representative or senator from the commonwealth; provided, that such statement shall not exceed eight words and shall, with respect to each such office, consist solely of the title, as hereinafter given, of such office, preceded, if the candidate is the then incumbent thereof, by the word "Present", otherwise, by the word "Former", and followed, if, but only if, the office is that of city councillor, by the words "at Large" or "for Ward (here insert ward number in numerals, which shall be counted as one word)", as the case may be. For the purposes of such statement, the titles of the elective public offices which may be stated shall be deemed to be as follows:--city councillor, school committeeman, mayor, district attorney, sheriff, register of deeds, register of probate, county clerk of superior (criminal) court, county clerk of superior (civil) court, county clerk of supreme judicial court, state representative, state senator, governor's councillor, attorney general, state auditor, state treasurer, state secretary, lieutenant governor, governor, congressman, and United States senator.

If the candidate is a veteran as defined in section 21 of chapter 31 of the General Laws, his nomination petition may contain the word "Veteran", which, in the case of a candidate holding or having held elective public office as aforesaid, shall, for the purposes of this section and sections 55, 58 and 62, of chapter 376 of the acts of 1951 be counted as a part of the statement concerning the elective public offices held by him, and, in the case of a candidate who does not hold and has never held elective public office as aforesaid, shall, for the purposes of said sections, be deemed to be a statement concerning the elective public offices held by him.

A nomination petition may consist of one or more sheets; but each sheet shall be in substantially the following form:--

#### THE COMMONWEALTH OF MASSACHUSETTS

#### CITY OF BOSTON

#### NOMINATION PETITION.

Whereas (name of candidate) residing at (street and number, if any) in Ward (number) of the City of Boston, (here insert any lawfully requested statement concerning the elective public offices held by candidate) is a candidate for nomination for the office of (Mayor or City Councillor



or School Committeeman), the undersigned, registered voters of the City of Boston, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary municipal election to be held on Tuesday, \_\_\_\_\_, 19\_\_\_\_

Each of the undersigned does hereby certify that he or she has not subscribed (if the petition relates to the office of mayor, here insert:--any other nomination petition for said office; if the petition relates to the office of city councillor, here insert:--more than eight other nomination petitions for said office; and if the petition relates to the office of school committeeman, here insert:--more than four other nomination petitions for said office).

In case the above-named candidate withdraws his name from nomination or is found to be ineligible or dies, we authorize (names and residences of a committee of not less than five persons) or a majority thereof as our representatives to fill the vacancy in the manner prescribed by law.

Signatures of Nominators.  To be signed in person with name as registered.	Residence January 1, 19____.  (If registered after above date, residence when registered.)	Ward.	Precinct.	Present Residence.

### THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

BOSTON, \_\_\_\_\_, 19\_\_\_\_

The undersigned, being the circulator or circulators of this sheet, severally certify, under the pains and penalties of perjury, that the persons whose names are written upon the lines the numbers of which appear opposite our signatures below, signed the same in person.

Names and Addresses of Persons Circulating This Sheet.		Number of Lines upon Which Appear Signatures as to Which Certification is Made Hereby.
Name.	Address.	

(Add here or at some other convenient place on the nomination petition sheet the following.)

I hereby accept the nomination.

\_\_\_\_\_  
Signature of Candidate.

This nomination petition sheet filed by

\_\_\_\_\_  
Signature of Filer.

\_\_\_\_\_  
Number. Street. City.



Every nomination petition sheet shall, before issuance, be prepared by the election commission by printing or inserting thereon the matter required by the first two paragraphs of the foregoing form. Not more than three hundred nomination petition sheets shall be issued to any candidate for nomination to the office of mayor under Plan A; not more than one hundred and fifty such sheets shall be issued to any candidate for nomination to the office of city councillor under Plan A or D; and not more than two hundred such sheets shall be issued to any candidate for nomination to the office of school committeeman under Plan A or D. No nomination petition sheet shall be received or be valid unless prepared and issued by the election commission; nor shall any such sheet be received or be valid unless the written acceptance of the candidate thereby nominated is endorsed thereon, anything in section 3A of chapter 50 of the General Laws to the contrary notwithstanding.

#### Historical Notes

St. 1909 c. 486 §§53,53A,54,61	St. 1947 c. 446
St. 1914 c. 730 §§4,5	St. 1948 c. 452 §§19,55,55A,56
Sp. St. 1918 c. 37	St. 1949 c. 131
St. 1921 c. 340	St. 1951 c. 376 §2
St. 1924 c. 479 §§16,17	
St. 1925 c. 136	
St. 1926 c. 105 §§1,2	
St. 1941 c. 472 §§1,2	

#### §220

#### NOMINATION PETITION. CIRCULATION AND FILING

The nomination petition shall be signed, in the case of a candidate for mayor, by at least three thousand registered voters of the city qualified to vote for such candidate at the preliminary election, in the case of a candidate for city councillor, by at least fifteen hundred registered voters of the city qualified to vote for such candidate at such election, and, in the case of a candidate for school committeeman, by at least two thousand registered voters of the city qualified to vote for such candidate at such election.

Every voter signing a nomination petition shall sign in person, with his name as registered, and shall state his residence on January first preceding, or his residence when registered if subsequent thereto, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence. No voter may sign as petitioner more than one nomination petition for the office of mayor, nor more than nine nomination petitions for the office of city councillor, nor more than five nomination petitions for the office of school committeeman. If the name of any voter appears as petitioner on more nomination petitions for an office than prescribed in this section, his name shall, in determining the number of petitioners, be counted, in the case of the office of mayor, only on the nomination petition sheet bearing his name first filed with the election commission, in the case of the office of city councillor, only on the nine nomination petition sheets bearing his name first filed with said commission, and, in the case of the office of school committeeman, only on the five nomination petition sheets bearing his name filed with said commission. If the name of any voter appears as petitioner on the same nomination petition more than once, it shall be deemed to appear but once. The signature of any petitioner which is not certified by the circulator of the sheet as provided in the form set forth in section 55A of chapter 376 of the acts of 1951 shall not be counted in determining the number of petitioners.

The separate sheets of nomination petition may be filed all at one time or in lots of one or more from time to time, but shall all be filed with the election commission at or before five o'clock in the afternoon on the eighth Tuesday preceding the preliminary election. Every nomination petition sheet shall be filed by a responsible person, who shall sign such sheet and, if he is other than the candidate, add to his signature his place of residence, giving street and number, if any; and the election commission shall require satisfactory identification of such person.

The names of candidates appearing on nomination petitions shall, when filed, be a matter of public record; but no nomination petition shall be open to public inspection until the signatures on all nomination petitions for the same office have been certified.

#### Historical Notes

- St. 1909 c. 486 §§53,54,56
- St. 1913 c. 835 §§198, 203
- St. 1914 c. 730 §§4,5,6
- St. 1921 c. 288 §2
- St. 1924 c. 479 §§16,17
- St. 1925 c. 136
- St. 1926 c. 105 §§1,2,3
- St. 1941 c. 472 §§1,2,3
- St. 1948 c. 452 §§55,56,57
- St. 1951 c. 376 §2

#### Cross Reference

- G.L. c.53 §§7,7A,9,10

## §221

### CERTIFICATION OF SIGNATURES

Upon the filing of each nomination petition sheet the election commission shall check each name to be certified by it on such sheet and shall certify thereon the number of signatures so checked which are the names of registered voters of the city qualified to sign the same; provided, however, that said commission shall not certify, in connection with a single nomination petition, a greater number of names than required by section 220 with one tenth of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination petition. All nomination petitions not containing names certified pursuant to this section, to the number required by said section 220, shall be invalid. The election commission shall complete the certification required by this section at or before five o'clock in the afternoon of the thirty-fourth day preceding the preliminary election.

#### Historical Notes

- St. 1909 c. 486 §§56
- St. 1914 c. 730 §6
- St. 1921 c. 288 §2
- St. 1926 c. 105 §3
- St. 1941 c. 472 §3
- St. 1948 c. 452 §57
- St. 1951 c. 376 §2

#### Cross Reference

- G.L. c. 53 §§7,7A

## §222 OBJECTION TO NOMINATION PETITION

A nomination petition which has been filed and is in apparent conformity with law shall be valid unless written objection thereto is made by a registered voter of the city. Such objection shall be filed with the election commission at or before five o'clock in the afternoon on the twenty-eighth day preceding the preliminary election. Objections filed with the election commission shall forthwith be transmitted by it to the Boston ballot law commission. Certification pursuant to section 221 shall not preclude a voter from filing objections to the validity of a nomination petition.

## Historical Notes

- St. 1909 c. 486 §56
- St. 1913 c. 835 §204
- St. 1914 c. 730 §6
- St. 1921 c. 288 §2
- St. 1926 c. 105 §3
- St. 1941 c. 472 §3
- St. 1948 c. 452 §§57,57A
- St. 1951 c. 376 §2

## Cross Reference

- G.L. c. 53 §11

## §223 WITHDRAWALS AND SUBSTITUTIONS

Any candidate may withdraw his name from nomination by a request signed and duly acknowledged by him, provided, however, that all withdrawals shall be filed with the election commission at or before five o'clock in the afternoon of the twenty-eighth day preceding the preliminary election. If a candidate so withdraws his name from nomination before five o'clock in the afternoon of the twenty-ninth day preceding the preliminary election, or is found to be ineligible or dies, the vacancy may be filled by a committee of not less than five persons or a majority thereof, if such committee be named and so authorized in the nomination petition; provided, however, that all certificates of substitution, except any certificate of substitution for a deceased candidate for mayor under Plan A shall be filed with the election commission at or before five o'clock the afternoon on said twenty-ninth day.

The certificate of substitution for a deceased candidate for mayor under Plan A shall be filed with the election commission (a) at or before five o'clock in the afternoon on the first Tuesday preceding the preliminary election if he dies on or before the second Friday preceding such election, (b) at or before five o'clock in the afternoon on the first Friday following the preliminary election if he dies after the second Friday preceding such election and before the closing of the polls at such election, (c) at or before five o'clock in the afternoon on the first Tuesday preceding the regular election if he dies after the closing of the polls at the preliminary election and on or before the second Friday preceding the regular election, and (d) at or before five o'clock in the afternoon of the first Friday following the regular election if he dies after the second Friday preceding such election and before the closing of the polls at such election; provided, however, that no certificate of substitution for such a deceased candidate shall be filed after the closing of the polls at the preliminary election unless such candidate, if living, would be deemed under either section 224 or 228, to have been nominated for the office of mayor under Plan A.



If a certificate of substitution for a deceased candidate for mayor under Plan A is filed at or before five o'clock in the afternoon on the first Tuesday preceding the preliminary election, the ballots for use at such election shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased; and the voting machine ballot labels for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and, if previously printed, shall have a slip containing the name, residence and ward of the substitute pasted over the name, residence and ward of the deceased. If such a certificate is filed after five o'clock in the afternoon on the first Tuesday preceding the preliminary election, all ballots and voting machine ballot labels for use at such election shall bear the name, residence and ward of the deceased but shall be deemed as a matter of law to bear the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and a vote for the deceased at such election shall be counted as a vote for the substitute. If such a certificate is filed at or before five o'clock in the afternoon on the first Tuesday preceding the regular election, the ballots for use at such election other than absent voting ballots shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased; and the absent voting ballots for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased and, if previously printed, shall be deemed as a matter of law to bear the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased so that a vote thereon for the deceased shall be counted as a vote for the substitute; and the voting machine ballot labels for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and, if previously printed, shall have a slip containing the name, residence and ward of the substitute pasted over the name, residence and ward of the deceased. If a candidate for mayor under Plan A in whose nomination petition a committee of not less than five persons or a majority thereof is authorized to fill a vacancy dies after the second Friday preceding the regular election and a certificate of substitution is not filed at or before five o'clock in the afternoon on the first Tuesday preceding such election, such election, so far, but only so far, as it is for the purpose of electing a person for the office of mayor, shall be postponed for four weeks and no vote cast for any candidate for mayor at the originally scheduled election shall be counted.

Every certificate of substitution shall state:--(1) the name of the substitute, (2) his residence, with street and number, if any, and ward, (3) the office for which he is to be a candidate, (4) the name of the original candidate, (5) the fact of his death, withdrawal or ineligibility, and (6) the proceedings had for making the substitution. The chairman and secretary of the committee shall sign and make oath to the truth of the certificate; and it shall be accompanied by the written acceptance of the candidate substituted. A certificate of substitution shall be open to objection in the same manner, so far as practicable, as a nomination petition.

#### Historical Notes

St. 1909 c. 486 §§54,56

St. 1913 c. 835, Part II §§206, 207

St. 1914 c. 730 §§5,6

St. 1921 c. 288 §2

St. 1921 c. 340

St. 1924 c. 479 §17

St. 1926 c. 105 §§2,3

St. 1941 c. 472 §2

St. 1948 c. 452 §§57,57B

St. 1949 c. 131 §2

St. 1951 c. 376 §2

St. 1958 c. 257

## Cross Reference

G.L. c. 53 §§13,14,15

## §224

## LIST OF CANDIDATES

On the first day, other than a legal holiday or Saturday or Sunday, following the expiration of the time for filing withdrawals and the final disposition of any objections filed, the election commission shall post in a conspicuous place in the city hall the names, residences and wards of the candidates for nomination for mayor under Plan A and for city councillor and school committeeman under Plans A and D who have duly qualified as such candidates, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names. If there are so posted the names of not more than two candidates for the office of mayor under Plan A, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; if there are so posted the names of not more than eighteen candidates for the office of city councillor under Plan A or D, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; and if there are so posted the names of not more than ten candidates for the office of school committeeman under Plan A or D, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with.

## Historical Notes

St. 1948 c. 452 §57C

St. 1951 c. 376 §2

## Cross Reference

G.L. c. 43 §§44D,44G

## §225

## PRELIMINARY ELECTION BALLOT

On the day of the posting provided for by section 224, or as soon thereafter as conveniently may be, the election commission shall draw by lot the position of the candidates on the ballot. Each candidate shall have an opportunity to be present at such drawing in person or by one representative. As soon as conveniently may be after such drawing, the election commission shall cause the ballots to be printed. Said ballots shall, in addition to the directions and numbers provided for by section 226, contain, in the order drawn by the election commission, the names posted as aforesaid (except those of candidates deemed under section 224 to have been nominated), and no others with a designation of residence and ward and the title of the office for which the person named is a candidate, and the statement, if any, contained in his nomination petition concerning the elective public offices held by him. Said ballots shall be official and no others shall be used at the preliminary election. Said ballots shall be headed as follows:

## OFFICIAL PRELIMINARY MUNICIPAL ELECTION BALLOT

Candidates for nomination for the offices of \_\_\_\_\_ in the City of Boston at the preliminary municipal election to be held on Tuesday, \_\_\_\_\_, 19\_\_.

The heading of said ballots shall be varied in accordance with the offices for which nominations are to be made.

#### Historical Notes

St. 1948 c. 452 §58

St. 1951 c. 376 §2

#### Cross Reference

G.L. c. 43 §44D

§226

### CASTING OF VOTE

At every preliminary election, and every regular election, under **Plan A**, each voter shall be entitled to vote for not more than one candidate for the office of mayor, not more than nine candidates for the office of city councillor, and not more than five candidates for the office of school committeeman. On the ballots and voting machine ballot labels for use at each of said elections, there shall, as a direction to the voter, be printed in capital letters, near the title of each office to be voted for, the words "VOTE FOR (here insert in words the number of candidates specified in this section with respect to such office)". The election commission, when drawing under section 225 the position on the ballot of the candidates for nomination at every preliminary election, shall draw the positions of all candidates for mayor, if any are to be drawn, before drawing the position of any candidate for city councillor or school committeeman and shall draw the positions of all candidates for city councillor, if any are to be drawn, before drawing the position of any candidate for school committeeman. The election commission shall number consecutively, regardless of office, all candidates drawn, -- the candidate first drawn being assigned the number 1 and the candidate last drawn being assigned the last number assigned. No position shall be drawn for, nor shall any number be assigned to, any candidate deemed under section 224 to have been nominated; nor shall any number be assigned to any blank space provided under section 231 or to any sticker candidate, so called; and no vote by sticker which term shall not be construed to include the slip provided for by section 223, shall be counted if any candidate number appears thereon. The numbers assigned under this paragraph shall be separate and distinct from the alphabetical or numerical code of any voting machine. On the ballots and voting machine ballot labels for use at every preliminary election, there shall, as an aid to the voter, be printed in numerals, before the name of each candidate and with type the same size as the name, the number assigned to the candidate by the election commission under this section.

#### Historical Notes

St. 1893 c. 473 §2

St. 1948 c. 452 §59

St. 1951 c. 376 §2

#### Cross Reference

G.L. c. 43 §44D

§227

### COUNTING OF VOTES

The election officers shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon the total vote sheets or, if voting machines



are used, the general or precinct record sheets, as the case may be, to the election commission which shall forthwith canvass the returns and, subject to the provisions of the first sentence of section 137 of chapter 54 of the General Laws, determine and declare the result thereof, publish the result in one or more newspapers in the city, and post the same in a conspicuous place in the city hall.

#### Historical Notes

St. 1948 c. 452 §59

St. 1951 c. 376 §2

#### Cross Reference

G.L. c. 43 §44E

### §228

#### CANDIDATES NOMINATED

The two persons receiving at a preliminary election under Plan A the highest number of votes for nomination for the office of mayor shall be deemed to have been nominated for said office; and the eighteen persons receiving at such an election under Plan A or D the highest number of votes for nomination for the office of city councillor shall be deemed to have been nominated for said office; and the ten persons receiving at such an election under Plan A or D the highest number of votes for nomination for the office of school committeeman shall be deemed to have been nominated for said office. If a preliminary election under Plan A or D results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to be deemed to have been nominated, all persons participating in said tie vote shall be deemed to have been nominated, although in consequence there be printed on the official ballot to be used at the regular election names to a number exceeding twice the number to be elected.

#### Historical Notes

St. 1948 c. 452 §§60,61

St. 1951 c. 376 §2

#### Cross Reference

G.L. c. 43 §44F

### §229

#### REGULAR ELECTION BALLOTS

The name of every person deemed under section 224 or section 228 to have been nominated, together with his residence and ward and the title and term of the office for which he is a candidate, and the statement, if any, contained in his nomination petition concerning the elective public offices held by him, shall, in addition to the directions provided for by section 226, be printed on the official ballots to be used at the regular election; and said persons shall be the sole candidates whose names may be printed on such ballots. As soon as conveniently may be after the sixth Tuesday preceding every regular election, the election commission shall draw by lot the position of said names on said ballots; and said names shall be printed on such ballots in the order so drawn. Each candidate shall have an opportunity to be present at such drawing in person or by one representative.

#### Historical Notes

St. 1909 c. 486 §57

St. 1913 c. 835 §259  
St. 1915 c. 36  
St. 1948 c. 452 §§60,62  
St. 1949 c. 131 §3  
St. 1951 c. 376 §2

## §230 POLITICAL DESIGNATION ON BALLOT

No ballot used at any preliminary or regular election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark or anything showing how he was nominated or indicating his views or opinions.

### Historical Notes

St. 1909 c. 486 §58  
St. 1924 c. 479 §18  
St. 1948 c. 452 §63  
St. 1951 c. 376 §2

### Cross Reference

G.L. c. 43 §49

## §231 BLANKS ON BALLOT

On every ballot to be used at a preliminary or regular election, there shall be left, at the end of the list of candidates for each office, blank spaces equal to the number for which a voter may vote for such office, in which blank spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

### Historical Notes

St. 1909 c. 486 §59  
St. 1924 c. 479 §19  
St. 1948 c. 452 §64  
St. 1951 c. 376 §2

### Cross Reference

G.L. c. 43 §44D

### Miscellaneous Provisions Relative to Elections

## §232 MUNICIPAL ELECTION

Beginning in the year 1925, a municipal election shall take place in the city biennially in every odd numbered year on the Tuesday after the first Monday in November.

### Historical Notes

St. 1821 c. 110 §§5,6,7,19

St. 1824 c. 49 §1  
St. 1854 c. 448 §4  
St. 1909 c. 486  
St. 1914 c. 730 §1  
St. 1921 c. 288 §1  
St. 1924 c. 479 §4

§233 INITIATIVE AND REFERENDUM PETITIONS

Petitions under the initiative and referendum which require submission to the election commissioners for certification of the signers thereof as qualified voters, shall so be submitted not later than ten days preceding the time provided for filing the petitions with the secretary of the commonwealth.

Historical Note

St. 1920 c. 129 §1

§234 ESTABLISHMENT OF VOTING PRECINCTS

Whenever in the judgment of the board of election commissioners a new division of the voting precincts of any ward in the city is necessary for the proper conduct of primaries, preliminary elections or elections, the election commissioners may make a new subdivision of the ward into voting precincts. Such precincts shall be so established as to contain, as nearly as may be, an equal number of voters, shall consist of compact and contiguous territory entirely within one ward, and be bounded, so far as possible, by the centre line of known streets or ways or by other well-defined limits.

Historical Notes

St. 1913 c. 835 §217

St. 1918 c. 74 §1

St. 1920 c. 636 §1 (Printed at back of 1921 Acts and Resolves)

Cross Reference

G.L. c. 54 §2

§235 PLACES OF HOLDING PRIMARIES, ETC.

State primaries shall be held on the eighth Tuesday preceding state elections, city primaries on the third Tuesday preceding city elections, town primaries on the second Tuesday preceding town elections, and presidential primaries on the last Tuesday in April; except that primaries before a special election shall be held on the second Tuesday preceding the special election.

In Boston they shall be held by precincts as established for elections; elsewhere, wholly or partly by wards, precincts or towns, as the board of aldermen or selectmen may from time to time determine.

Historical Notes

St. 1903 c. 454 §4

St. 1907 c. 560 §148



St. 1913 c. 835 §97

St. 1919 c. 289 §20

Cross Reference

G.L. c. 53 §28

§236

POSTING OF VOTING LISTS

They shall, at least twenty days before the biennial city or town election, and in every place except Boston, at least sixty days before the biennial state election, and in Boston, twenty-four days at least before the biennial state election, cause copies of the voting lists prepared in accordance with this chapter, to be posted in their principal office and in one or more other public places in the city or town, and in each precinct therein.

Historical Notes

St. 1892 c. 351 §32

St. 1893 c. 417 §64

St. 1896 c. 469 §2

St. 1898 c. 548 §63

R.L. 11:62

St. 1907 c. 560 §62

St. 1910 c. 147

St. 1913 c. 835 §62

St. 1919 c. 269 §1

§237

PRE-ELECTION DISTRIBUTION OF VOTING LISTS

The board of election commissioners shall, prior to the biennial state election and prior to the biennial city election, prepare in pamphlet form not less than fifty copies of each voting list, omitting therefrom everything except the name and residence of the voters, and shall distribute said copies as they may deem best.

Historical Notes

St. 1878 c. 243 §6

St. 1880 c. 225 §1

St. 1896 c. 547 §6

St. 1897 c. 296 §5

St. 1898 c. 548 §79

R.L. 11:78

St. 1907 c. 560 §87

St. 1913 c. 835 §86

St. 1919 c. 269 §1

§238

TRANSMISSION OF NAMES, ETC. OF INMATES OF CORRECTIONAL INSTITUTIONS

The city or town clerk or registrar of deaths in each city or town shall, on the first day of every month, and also two days before every election, transmit to the registrars of voters a list of the

names of all residents of such city or town of twenty-one years of age or upwards who died in the preceding month or since the date of the list previously transmitted, with a statement of the ward, street and number therein, if any, where such person resided at his death. The prison commissioners of Massachusetts, the penal institutions commissioners of Boston, the pauper institutions trustees of Boston, and the insane hospital trustees of Boston shall, ten days before every state election in Boston, transmit to the election commissioners of Boston the names of all male persons of twenty-one years of age or upwards who had a last known residence in Boston, and also ten days before every city election in that city, the names of all male and female persons of said age or upwards who had such residence and who, at said respective dates, are inmates of the institutions under their charge, respectively, except those whose terms of confinement expire before the date of such election. Such commissioners and trustees shall make diligent inquiry as to the age and residence of inmates of such institutions, and shall, in the case of those coming within the provisions of this section, transmit to the election commissioners the names and ages of such persons and their residences by street and number, wherever it is possible to do so. The election commissioners shall thereupon make a memorandum in red ink opposite the names of such of said persons as appear upon the voting lists, stating the institutions in which such persons are then confined, and copies of the voting lists containing such memoranda shall forthwith be sent by them to the election officers.

#### Historical Notes

St. 1898 c. 548 §24

St. 1900 c. 241 §1

St. 1901 c. 441 §1

R.L. 11:23

St. 1907 c. 560 §23

St. 1913 c. 835 §23

#### Cross Reference

G.L. c. 51 §14

### §239

#### VOTING LISTS PREPARATION AND USE

They shall, before every election and meeting in a city or town at which voting lists may be required to be used, prepare voting lists for each ward, voting precinct or town in which such election or meeting is to be held, containing the names and residences of all persons qualified to vote therein, as the same appear upon the annual register, and they shall seasonably transmit the same to the election officers in every such precinct, ward or town. Such voting lists shall be in duplicate for all elections and meetings at which duplicate lists are required to be used. In Boston a copy of the voting list for each precinct required to be made by section 85 of chapter 835, Part I, of the acts of 1913, shall also be furnished by the board of election commissioners at each primary and at each election to the warden in charge of each polling place for the use of the police officer in such polling place. The list shall not be removed from the polling place and shall be returned to the warden immediately after the close of the polls, and he shall immediately transmit the same to the board of election commissioners according to the provisions of section 304 of chapter 835 of the acts of 1913.

#### Historical Notes

St. 1906 c. 444 §7

St. 1907 c. 560 §65

St. 1913 c. 835 §65

## §240 ANNOUNCEMENT OF VOTER'S HEIGHT PRIOR TO DEPOSIT OF BALLOT

A voter after marking his ballot shall give his name and, if requested, his residence, to one of the officers in charge of the ballot box, who shall distinctly announce the same. If the name is found upon the voting list by the election officer, he shall distinctly repeat the name, and in Boston the height, and check the name upon the voting list; and the voter may then deposit his ballot in the ballot box with the official indorsement uppermost and in sight. No ballot without the official indorsement, except as provided in section 276 of chapter 835 Part III of the acts of 1913, shall be deposited in the ballot box. No person shall vote if his name is not on the voting list, nor until the election officer shall check his name thereon, unless he presents a certificate from the registrars of voters as provided by section 64 of chapter 835 of the acts of 1913.

## Historical Notes

R.L. c. 11 §233  
St. 1903 c. 474 §10  
St. 1906 c. 444 §8  
St. 1907 c. 560 §266  
St. 1913 c. 835 §298

## §241 WITNESSING OF RECOUNTS

The chairman of the city committee representing the largest political party and the chairman of the city committee representing the second largest political party may in writing designate two persons, or such further number as the election commissioners may allow, to be present and witness the count, and the election commissioners shall allow each candidate whose election is in question, or his representative, to be present and may allow representatives of other political parties and other persons to be present and witness the recount.

## Historical Notes

St. 1898 c. 548 §264  
R.L. 11:267  
St. 1906 c. 444 §11  
St. 1907 c. 560 §300  
St. 1913 c. 835 §332

## §242 FURNISHING COPIES OF VOTING LISTS USED AT PRIMARIES

When, in a primary, a voter seeks to pass the guard rail, he shall be asked by one of the ballot clerks, with which political party he desires to be enrolled, and the ballot clerk upon reply shall distinctly announce the name of such political party and give him such political party ballot. The voter's selection shall be checked on the voting list used by the ballot clerk, and such list shall be returned to the election commissioners in Boston, for preservation during the next succeeding three calendar years. The officers shall, upon receiving a written request therefor signed by the chairman of any ward, town or city committee, or by at least ten voters in the ward, town or precinct for which the list is desired, and in Boston filed within fifteen days after the primary, furnish a certified copy of said list to any ward, town or city committee. The party enrolment of voters on such voting lists, and all subsequent party enrolment of voters, shall be transferred each year to the voting lists used at subsequent primaries, providing the names of such voters



have been entered, in Boston, in the annual register prepared by the election commissioners from the police lists, and in other cities and towns, in the annual register prepared from the assessors' lists.

#### Historical Notes

St. 1913 c. 835 §110

St. 1914 c. 790 §7

St. 1916 c. 179 §7

St. 1920 c. 493 §1

### §243

#### FURNISHING COPIES OF VOTING LISTS USED AT ELECTIONS

Upon written application, signed by at least ten voters in the town or ward of which the precinct forms a part, or by a written request signed by the chairman of any ward, town or city committee, and in Boston filed within fifteen days after such election, the city or town clerk, and in Boston the election commissioners, may open the envelope containing such voting list and may make a copy of the list as checked. In Boston, such copies shall contain only the name and residence of the voter. After any such voting list has been so copied, said clerk or election commissioners shall at once enclose the list in an envelope and seal up the same and certify thereon to the identity of such lists.

#### Historical Notes

St. 1893 c. 417 §175

St. 1897 c. 530 §3

St. 1898 c. 548 §237

R.L. 11:240

St. 1907 c. 560 §273

St. 1913 c. 835 §305

St. 1920 c. 493 §2

### §244

#### CHANGE OF POLLING PLACES

No division of the city of Boston into voting precincts and no change of polling places in said city shall be made until reasonable notice of the proposed change has been given by the board of election commissioners to the state senator and the state representative from the district.

#### Historical Note

St. 1955 c. 264 §1

### §245

#### CHECKING BY OR FOR CANDIDATE OF VOTE RECORDED ON VOTING MACHINES

A candidate for public office whose name appears on said machine, or his representative duly authorized in writing shall, within one hour after the official vote for said office has been announced, be permitted to examine and check the vote recorded on each machine.

#### Historical Notes

St. 1958 c. 231 §1

St. 1963 c. 184

#### Cross Reference

G. L. c. 54 §35B

Chapter 7 -- Mayor

(Prepared by Thomas H. Martin, Assistant Corporation Counsel)

Sec.

350 Authority to Obtain Information on Municipal Affairs

## §350 AUTHORITY TO OBTAIN INFORMATION ON MUNICIPAL AFFAIRS

The mayor, or such person or persons as he may appoint, may represent the city at congresses, conventions and other meetings held to consider questions of municipal concern, although the questions to be discussed are not actually pending at the time in the conduct of the business of the city. He may also appoint one or more persons to investigate and obtain information upon any matter pertaining to the conduct of the executive and administrative business of the city. All persons so appointed shall report to the mayor in writing; and all such reports shall be published in the City Record. The mayor and city council are hereby authorized to appropriate annually under the provisions of section 3 of chapter 486 of the acts of 1909, an amount not exceeding ten thousand dollars to defray the travelling and other necessary expenses incurred under the provisions of this section. An itemized account of such exepnses shall be filed with the city auditor.

## Historical Notes

St. 1909 c. 486 §3  
St. 1914 c. 274 §§1,2  
St. 1921 c. 54 §1  
St. 1952 c. 135 §1  
St. 1956 c. 27

Chapter 9 -- City Council

[No Statutes apply. See Ordinances and Regulations.]

Chapter 11 -- City Clerk Department  
(Prepared by Thomas H. Martin, Assistant Corporation Counsel)

Sec.

550 City Clerk. Election, Term, Removal, Etc.

551 Powers and Duties of City Clerk

Registry Division

552 City Registrar. Appointment, Term, Compensation, Powers, Duties, Etc.

553 Assistant City Registrars

554 Official Seal

555 Custody of Certain Records

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§550 CITY CLERK. ELECTION, TERM, REMOVAL, ETC.

In the year 1911, and every third year thereafter, a city clerk shall be elected by a majority of the members of the city council, to hold office until the first Monday in February in the third year following his election, and thereafter until his successor has been duly chosen and qualified, unless sooner removed by due process of law. The city clerk shall act as clerk of the city council.

## Historical Notes

St. 1821 c. 110 §10

St. 1854 c. 448 §§30,31

St. 1885 c. 266 §2

St. 1909 c. 486 §22

## Cross Reference

G.L. c. 41 §§12-19H

## Interpretive Note

St. 1854 c.448 §30 provides that the city clerk "shall be removable at the pleasure of the board of aldermen, the mayor thereto consenting." This provision, which has never been specifically repealed (see St. 1909 c.486 §62; cf. St. 1948 c.452 §2) arguably controls the meaning of the phrase "due process of law" in the foregoing section.

§551 POWERS AND DUTIES OF CITY CLERK

[It shall be the duty of the city clerk] to keep a journal of the acts and proceedings of the city council, to sign all warrants issued by them, and to do such other acts in his said capacity as may lawfully and reasonably be required of him; and to deliver over all journals, books, papers and documents, intrusted to him as such clerk to his successor in office immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereunto required by the city council. The city clerk thus chosen and qualified shall continue to have all the powers and perform the duties now by law belonging to him.



## Historical Notes

St. 1821 c. 110 §10

St. 1854 c. 448 §30

## Cross Reference

G.L. c. 41 §15

Registry Division

§552

## CITY REGISTRAR. APPOINTMENT, TERM, COMPENSATION, POWERS, DUTIES, ETC.

There shall be in the office of the city clerk a division, known as the registry division, under the charge of an officer, known as the City Registrar, appointed by the mayor subject to the civil service law and rules. The city registrar shall have the powers, and perform the duties, of a department head with respect to the acquisition and disposition of property for such division, the making of contracts therefor, and the appointment, compensation, indemnification, promotion, transfer, suspension, lowering in rank or compensation, lay off, discharge, removal, or abolition of the office or position of subordinates, including not more than three assistant registrars appointed subject to the approval of the mayor. The city registrar shall have custody of all records, books and papers belonging to the city, relating to births, marriages and deaths, shall have the powers and perform the duties from time to time conferred or imposed on clerks of towns in the commonwealth by chapter 46, and by section 16 of chapter 66, of the General Laws. The city registrar shall file annually with the city clerk a statement of the number of births, marriages and deaths recorded in his office during the previous year; and said city clerk shall include such statement in his annual report. The city registrar may pay, out of any funds received by him, the fees due to persons making returns under the requirements of law, and shall, on or before the twentieth of each month, transmit the accounts and vouchers for all funds so received and fees so paid to the city auditor.

## Historical Notes

St. 1892 c. 314 §§1,2,3

R.L. c. 29 §23

St. 1952 c. 204

St. 1965 c. 656 §7

§553

## ASSISTANT CITY REGISTRARS

The assistant city registrars may, in the absence of the city registrar, perform his duties. The certificate or attestation of an assistant city registrar shall have the same force and effect as that of said city registrar.

## Historical Notes

St. 1892 c. 314 §2

St. 1952 c. 204

St. 1965 c. 656 §7

## §554 OFFICIAL SEAL

The city of Boston shall provide for use by the registrar [...] [and assistant registrars] an official seal, and the registrar [and assistant registrars] shall attest all certificates from records in his custody with said seal. The official seal which the city shall provide for use by the city registrar and assistant registrars shall be in the form prescribed by section 4 of chapter 34 of the Revised Ordinances of 1898 as appearing in chapter 4 of the Ordinances of 1902.

## Historical Notes

St. 1898 c. 389 §1

St. 1965 c. 656 §7

## §555 CUSTODY OF CERTAIN RECORDS

[The] city may from time to time, by ordinance, direct the head of any department, including the city clerk, to place in charge of the city registrar any of the books or papers of such department bearing date prior to the year 1875, and may in like manner direct their return.

## Historical Note

St. 1892 c. 314 §4

Chapter 13 -- City Record

(Prepared by Thomas H. Martin, Assistant Corporation Counsel)

Sec.

650 Contents and Sale

## §650 CONTENTS AND SALE

There shall be published at least once a week and distributed and sold under the direction of the mayor and on terms to be fixed by the city council, and approved by the mayor, a paper to be known as the "City Record". All advertising with reference to the sale of property for non-payment of taxes shall appear exclusively in the City Record. All other advertising, whether required by law or not, with reference to the purchase or taking of land, contracts for work, materials or supplies, and the sale of bonds, shall appear in said paper, and in such newspaper or newspapers as the mayor, in his discretion, may order; a list of all contracts of one thousand dollars or more, as awarded, with the names of bidders, and the amount of the bids; appointments by the mayor; and changes in the number and compensation of employees in each department, shall be published in the City Record. Failure to publish in such newspaper or newspapers as the mayor may order shall not invalidate any purchase, contract or sale made or action taken by the city. The proceedings of the city council and school committee together with all communications from the mayor, shall be published in the City Record; provided, that the substance of debates by and among the members of the city council shall not be so published or published elsewhere at the expense of the city.

## Historical Notes

St. 1909 c. 486 §29

St. 1934 c. 185 §1

St. 1939 c. 156

St. 1947 c. 447 §1

## Cross Reference

Statutes, Title 4 §5



Chapter 15 -- Ordinances

(Prepared by Richard F. McQuaid, Legal Assistant)

Sec.

750	Origin, Enactment, Publication and Breach
751	Fees and Charges
752	Establishment, Reorganization and Abolition of Boards and Officers
753	Fire Prevention Code

§750

## ORIGIN, ENACTMENT, PUBLICATION AND BREACH

(a) Origin. The city council shall have power to make all such needful and salutary by-laws or ordinances, not inconsistent with the laws of this Commonwealth, as towns by the laws of this Commonwealth have power to make and establish and to annex penalties not exceeding two hundred dollars for the breach thereof, which by-laws and ordinances shall take effect and be in force from and after the time therein respectively limited, without the sanction or confirmation of any court or other authority whatsoever.

The city council shall also have power to make appropriations of all public moneys, and provide for the disbursement thereof and take suitable measures to insure a just and prompt account thereof; and may also require of all persons intrusted with the collection, custody, or disbursement of public moneys, such bonds, with such conditions and such sureties, as the case may in their judgment require.

The mayor from time to time may make to the city council in the form of an ordinance filed with the city clerk such recommendations as he may deem to be for the welfare of the city. The city council shall consider each ordinance so presented and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If such ordinance is not rejected within sixty days, it shall be in force as if adopted by the city council unless previously withdrawn by the mayor. Nothing herein shall prevent the mayor from again presenting an ordinance which has been rejected or withdrawn. The city council may originate an ordinance and, subject to the approval of the mayor, may amend an ordinance.

(b) Enactment and Publication. The enacting style and method of publishing the ordinances of the city shall be such as the city shall by ordinance prescribe.

(c) Breach. All fines and penalties for the breach of any [ordinance] may be recovered by indictment, information or complaint, in the name of the Commonwealth, in any Court competent to try the same.

All fines and penalties for the breach of any ordinance of the city shall be paid into the treasury

for the use of the city unless otherwise provided by statute or ordinance.

#### Historical Notes

- St. 1817 c. 50 §3
- St. 1821 c. 110 §§12,15
- St. 1854 c. 448 §§35,37,46
- St. 1881 c. 229 §§3,4
- St. 1909 c. 486 §2
- St. 1948 c. 452 §17E
- St. 1951 c. 376 §1
- St. 1966 c. 642 §14
- St. 1976 c. 78

#### Cross References

- G.L. c. 40
- G.L. c. 107 (passed April 7, 1975)
- Statutes, Title 2, Chapter 1, particularly §15

## §751

### FEES AND CHARGES

The city may from time to time, by ordinance, fix the fees for all licenses and permits granted under the authority of statutes where the entire proceeds of the fee form part of the income of the city, except marriage licenses, licenses granted under chapter 494 of the acts of 1908, as amended, licenses issued under chapter 138 of the General Laws, licenses issued under section 59 of chapter 140 of the General Laws, and licenses issued under section 70 of said chapter 140, and may likewise fix the charges to be paid for any services rendered or work performed by the city or any department thereof, for any person or class of persons unless such service is rendered or work performed as part of the general services furnished for the benefit of the citizens of the city as a whole. Any such ordinance may set a maximum fee or charge, or a minimum fee or charge, or both, and may empower an administrative board or officer to fix the fee or charge conformably with the limit or limits set.

The city may also, by ordinance, from time to time fix the fees to be paid to the city clerk for the use of the city for the qualification or warrant of any officer appointed by the mayor and confirmed by the city council, whose compensation is derived from fees charged for the exercise of powers conferred by such appointment.

A fee or charge fixed by ordinance under chapter 222 of the acts of 1949 shall be deemed to apply notwithstanding any general or special law heretofore passed fixing a different fee or charge or imposing any limitation on the amount thereof or designating a particular board or officer to fix said amount; provided, however, that the fee fixed for a registration under section 13 of chapter 148 of the General Laws shall not be more than one half of the amount of the fee fixed for a license under said section. No general or special law hereafter passed shall, in the absence of express and explicit mention therein of chapter 222 of the acts of 1949, be construed to repeal that act in whole or in part or to affect in any way any fee or charge theretofore or thereafter fixed by ordinance under that act.

The fee or charge being collected immediately prior to the passage of chapter 222 of the acts of 1949 for any license, permit, service or work subject to chapter 222 of the acts of 1949 shall be the fee or charge for such license, permit, service or work until action is taken under chapter 222 of the acts of 1949.

## Historical Notes

St. 1908 c. 494  
St. 1909 c. 486 §28  
St. 1910 c. 571 §§1,2  
St. 1931 c. 297 §§1,2  
St. 1939 c. 173 §1  
St. 1949 c. 222 §§1,2,3,4

## Cross References

G.L. c. 138  
G.L. c. 140 §§59,70  
G.L. c. 148 §13

## §752

## ESTABLISHMENT, REORGANIZATION AND ABOLITION OF BOARDS AND OFFICERS

The city council with the approval of the mayor may from time to time make by-laws or ordinances for any or all of the following purposes: - (a) to create a new department or agency; (b) to abolish, in whole or in part, any department or agency; (c) to reorganize, in whole or in part, any department or department head or any agency or agency head; (d) to confer or impose on any department or agency any power or duty of the city not appertaining at the time of the making of the by-law or ordinance to any department or agency; (e) to transfer any or all of the powers, duties and appropriations of any division of any department or agency to another division of the same department or agency; (f) to transfer any or all of the powers, duties and appropriations of any department or division thereof or of any agency or division thereof either to another department or division thereof or to another agency or division thereof; and (g) to increase, reduce, establish or abolish the salary of any department or agency head. Every department or agency head created by, or resulting from a reorganization effected by, a by-law or ordinance made under section 1 of chapter 473 of the acts of 1953 shall, unless ex officio, be appointed by the mayor without confirmation by the city council for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected or, in the case of a person serving without compensation or of a person serving on the board of appeal, the board of examiners or other like board, for such other term as the by-law or ordinance may prescribe. Every person holding an office or position subject to the civil service laws and rules shall, if the office or position is abolished by a by-law or ordinance made under this section and the by-law or ordinance so provides, be reappointed without civil service examination or registration to a similar office or position with similar status in any new department or agency, or division of either, thereby created or in any department or agency, or division of either, not thereby abolished; and every such person shall upon such reappointment, retain all rights to retirement with pension that shall have accrued or would thereafter accrue to him; and his services shall be deemed to have been continuous to the same extent as if such abolition had not taken place. As used in this section, the term "agency" shall be construed to mean any office in charge of a board or officer not subject to the direction of a department head. Nothing in this section shall authorize any action in conflict with the civil service laws or rules except as expressly provided herein; nor shall any by-law or ordinance made under this section affect in any way the school committee (or any board or officer of the school committee) or school department, or the board of trustees of the teachers' retirement fund or the board of trustees of the permanent school



pension fund, or the Boston retirement board, or the city clerk, or the board of election commissioners, or the Boston traffic and parking commission, or any board or officer appointed by the governor.

#### Historical Notes

St. 1821 c. 110 §16

St. 1854 c. 448 §38

St. 1909 c. 486 §5

Sp. St. 1919 c. 222 §3

St. 1928 c. 389 §1

St. 1929 c. 263 §1

St. 1934 c. 227 §1

St. 1936 c. 152 §1

St. 1953 c. 473 §1

#### Cross Reference

G.L. c. 43 §5

G.L. c. 43B §13

### §753

#### FIRE PREVENTION CODE

Upon the written recommendation of the fire chief, the city council, with the approval of the mayor, may from time to time make, amend and repeal ordinances for the purpose of preventing or remedying in the city any condition in or about any building, structure or other premeises or on any ship or vessel which may tend to cause a fire or to become a fire hazard, with penalties for the violation thereof not exceeding a fine of fifty dollars for any one offence or, in the case of a continuing offence, by a fine of not more than ten dollars for every day during any portion of which the violation continues; provided, however, that if any provision of any such ordinance is inconsistent with any general or special law applicable in or to the city, or with any rule or regulation made by any agency, as defined in section 1 of chapter 30A of the General Laws, or with any provision of the Boston Building Code, such provision of such ordinance shall be inoperative.

Said chief shall not make, under section 28 of chapter 148 of the General Laws, any order or rule inconsistent with any such ordinance.

The superior court shall have jurisdiction in equity, upon application of the fire chief to enforce any such ordinance.

#### Historical Note

St. 1962 c. 314 §1

#### Cross References

G.L. c. 30A §1

G.L. c. 148 §28

## TITLE 3

## ACQUISITION AND DISPOSITION OF PROPERTY

Chap.

Sec.

1	Acquisition and Disposition of Property . . . . .	1
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Chapter 1 -- Acquisition and Disposition of Property  
(Prepared by Kevin M. Burke, Assistant Corporation Counsel)

Sec.

1	Purchase of Personal Property and the Care of Real and Personal Property
2	Lease and Sale of Real and Personal Property of City
3	Use of Proceeds From the Sale of School Lands
4	Conveyance of School Lands for State Armories
5	Authorization to Establish Cemetery

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§1 PURCHASE OF PERSONAL PROPERTY AND THE CARE OF REAL AND PERSONAL PROPERTY

The several officers and boards of the city shall, in their respective departments, make all necessary contracts for employment of labor, the supply of materials and the construction, alteration and repair of all public works and buildings, and have the entire care, custody, and management of all public works, institutions, buildings and other property.

## Historical Notes

St. 1821 c. 110 §16  
St. 1854 c. 448 §39  
St. 1885 c. 266 §§6,12  
St. 1889 c. 320  
St. 1909 c. 486 §§5,8  
St. 1941 c. 604  
St. 1948 c. 452 §§2,17G  
St. 1951 c. 376 §1  
St. 1953 c. 473 §1

## Cross References

St. 1966 c. 642  
Rev. Ord. 1961 c. 22 §4  
Statutes, Title 11 §265 (Immediate Possession of Tax Delinquent Real Estate)

## §2 LEASE AND SALE OF REAL AND PERSONAL PROPERTY OF CITY

The city council shall have the care and superintendence of the public buildings, and the care, custody, and management of all the property of the city, with power to lease or sell the same, except the Common and Faneuil Hall. All sales of land, all appropriations for the purchase of land shall require a vote of two-thirds of all city councillors and shall be passed only after two separate readings and by two separate votes, the second of said readings and votes to be had not less than fourteen days after the first.

### Historical Notes

St. 1821 c. 110 §16  
St. 1854 c. 448 §39  
St. 1909 c. 486 §2  
St. 1948 c. 452 §17E  
St. 1951 c. 376 §1  
St. 1961 c. 642 §14

### Cross References

G.L. c. 40 §15  
St. 1966 c. 642

## §3 USE OF PROCEEDS FROM THE SALE OF SCHOOL LANDS

The proceeds of any sale of any school lands or buildings shall be held in the city treasury, and used only for the purchase of land, or the construction of buildings for school purposes when appropriated by the school committee for that purpose, but shall not be so used without the written approval of the mayor given in each specific case. The proceeds shall be expended in accordance with the provisions of chapter 408 of the acts of 1895, and acts in amendment thereof and in addition thereto.

### Historical Notes

St. 1898 c. 400 §5  
St. 1901 c. 473 §3  
Sp. St. 1919 c. 206 §7  
St. 1959 c. 509

### Cross References

St. 1906 c. 259 §§1,2  
St. 1959 c. 509

## §4 CONVEYANCE OF SCHOOL LANDS FOR STATE ARMORIES

Notwithstanding any contrary provision of general or special law, the city, acting by its mayor, may at any time convey without consideration to the commonwealth for armory purposes any land or building which at the time of conveyance is held by the city for school purposes and which the school committee, by a majority vote of all its members, shall have voted is no longer needed for school purposes.

### Historical Note

St. 1954 c. 617

### Cross Reference

St. 1966 c. 642 §12 (31B)



## §5 AUTHORIZATION TO ESTABLISH CEMETERY

The city is hereby authorized to purchase and hold land, for a public cemetery, in any town in this commonwealth, and to make and establish all suitable rules, orders, and regulations, for the interment of the dead therein, to the same extent that the city is now authorized to make such rules, orders, and regulations, for the interment of the dead, within the limits of the city; provided, that the consent of any town, in which the cemetery is proposed to be located, shall first be obtained for the purpose.

## Historical Note

St. 1849 c. 150



## TITLE 4

## CONTRACTS

Chap.		Sec.
1	City and County Contracts and Accounts Payable . . . . .	1

Chapter 1 - City and County Contracts and Accounts Payable  
 (Prepared by Kevin F. Moloney, Assistant Corporation Counsel)

Sec.	
1	Officers and Boards, Power to Make Contracts
2	Conflict of Interest, Certain Contracts Voidable, Penalty
3	Certain Contracts for Street Etc. Lighting, Collection, Removal or Disposal of Refuse, Limitations, Procedures
4	Appropriation as Condition Precedent to Contract; Exception, Penalty
5	Advertisement for Proposals, Power of Mayor to Dispense Therewith, Procedure
6	Bid Deposit
7	Bids in Duplicate
8	Form of Contracts, to be in Writing, Approval of Mayor, Certification by Auditor, Alteration Thereof by Written Agreement Only
9	Contracts for Execution of Certain Works of Art to be Made by Art Commission
10	Incurring Liabilities in Anticipation of Appropriation
11	Contracting for Next Fiscal Year
12	Payrolls, Bills, Accounts for Salary or Compensation
13	Approval of Bills; Power of City Auditor; Penalty
14	Reference to Finance Commission by Certain Officials of Certain Pay Rolls, Bills and Claims

§1 OFFICERS AND BOARDS, POWER TO MAKE CONTRACTS

The several officers and boards of the city shall, in their respective departments, make all necessary contracts for the employment of labor, the supply of materials, and the construction, alteration and repair of all public works and buildings, and have the entire care custody and management of all public works, institutions, buildings and other property, and the direction and control of all the executive and administrative business of the city.

Historical Notes

St. 1885 c. 266 §6  
 St. 1889 c. 320  
 St. 1941 c. 604



### Interpretive Note

Cf. St. 1966 c.642. The establishment of the Public Facilities Commission and the Department of Public Facilities by St. 1966 c.642 makes major changes in the powers of the several officers and boards in the city with respect to capital improvements, site selection, construction, alteration, repair, etc. of buildings and facilities.

### Cross References

Statutes, Title 8 (Development) c.1 (Public Facilities Commission; Department of Public Facilities)

G.L. c. 7 §22A (Collective purchasing by Commonwealth and its subdivisions)

G.L. c. 7 §22B (Collective purchasing by political subdivisions)

G.L. c. 40 (Powers and Duties of Cities and Towns) §4 (Power to Contract)

G.L. c. 40 §4A (Agreements between or for governmental units for performance of services and duties)

G.L. c. 40 §4D (Agreements between Commonwealth or public authorities for performance of services, including public works and buildings construction)

Rev. Ord. 1961 c. 4 §5 (Duties of purchasing agent)

Rev. Ord. 1961 c. 3 §16 (Centralized purchasing)

## §2

### CONFLICT OF INTEREST, CERTAIN CONTRACTS VOIDABLE, PENALTY

Neither the city council, nor any member or committee, officer, or employee thereof shall, except as otherwise provided in this chapter, directly or indirectly on behalf of the city or of the county of Suffolk take part in the employment of labor, the making of contracts, the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, and management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any municipal or county employee; nor in the expenditure of public money except such as may be necessary for the contingent and incidental expenses of the city council.

It shall be unlawful for the mayor or for a member of the city council or for any officer or employee of the city or of the county of Suffolk or for a member of the finance commission directly or indirectly to make a contract with the city or with the county of Suffolk, or to receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person or corporation making or performing such contract, unless such mayor, member of the city council, officer, or employee or member of the finance commission immediately upon learning of the existence of such contract or that such contract is proposed, shall notify in writing the mayor, city council, and finance commission of such contract and of the nature of his interest in such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to make such contract on behalf of the city, the contract may be made by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest by the city clerk: provided, however, that when a contractor with the city or county is a corporation or voluntary association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract, unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the contract in respect to which such

violation occurs voidable at the option of the city or county. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

Historical Notes

St. 1885 c. 266 §12

St. 1908 c. 522

St. 1909 c. 486 §8

Cross References

G.L. c. 268A (Conduct of public officials and employees)

§3 CERTAIN CONTRACTS FOR STREET ETC., LIGHTING, COLLECTION, REMOVAL OR DISPOSAL OF REFUSE, LIMITATIONS, PROCEDURES

No contract for lighting the public streets, parks, or alleys, or for the collection, removal, or disposal of refuse, extending over a period of more than one year from the date thereof, shall be valid without the approval of the mayor and the city council after a public hearing held by the city council, of which at least seven days' notice shall have been given in the City Record.

Historical Note

St. 1909 c. 486 §6

§4 APPROPRIATION AS CONDITION PRECEDENT TO CONTRACT; EXCEPTION, PENALTY

No official of the city, except in case of extreme emergency involving the health or safety of the people or their property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriation, except as provided in section 6 of chapter 486 of the acts of 1909. Any official who shall violate the provisions of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Historical Notes

St. 1885 c. 266 §6

St. 1909 c. 486 §16

Cross Reference

G.L. c. 44 §31 (Similar provision, applicable to cities except Boston)

G.L. c. 44 §31C (Certificate of auditor as to availability of appropriation required on public works and building construction etc. contracts and change orders)

§5 ADVERTISEMENT FOR PROPOSALS, POWER OF MAYOR TO DISPENSE THEREWITH, PROCEDURE

Every officer or board in charge of a department in the city and every officer, board or official of the county of Suffolk having power to incur obligations on behalf of the county in cases where

said obligations are to be paid for wholly from the treasury of the city, when authorized to erect a new building or to make structural changes in an existing building, shall make contracts therefor, not exceeding five, each contract to be subject to the approval of the mayor; and when about to do any work or to make any purchase, the estimated cost of which alone, or in conjunction with other similar work or purchase which might properly be included in the same contract, amounts to or exceeds two thousand dollars, shall, unless the mayor gives written authority to do otherwise, invite proposals therefor by advertisements in the City Record. Such advertisements shall state the time and place for opening the proposals in answer to said advertisement, and shall reserve the right to the officer, board or official to reject any or all proposals. No authority to dispense with advertising shall be given by the mayor unless the said officer, board or official furnishes him with a signed statement which shall be published in the City Record giving in detail the reasons for not inviting bids by advertisement.

#### Historical Notes

- St. 1890 c. 418 §4
- St. 1909 c. 486 §30
- St. 1939 c. 156 §1
- St. 1952 c. 376 §2
- St. 1955 c. 60 §2

#### Interpretive Note

See notes to cross references to other requirements on public works and building construction, etc. projects below.

#### Cross References

- G.L. c. 40 §4B (Proposals to be asked for certain contracts, procedures ["...unless otherwise provided by ...special laws..."])
- G.L. c. 43 §28 (Requirement for proposals in standard charter cities)
- G.L. c. 30 §39M (Required procedures for competitive bids for construction, etc. of public works and for the purchase of materials, as defined therein)
- G.L. c. 149 §44A-L (Required procedures for general bids and subbids for construction, etc. of buildings)

## §6

### BID DEPOSIT

Every proposal for doing such work or making such sale shall be accompanied by a suitable bond, certified check or certificate of deposit, for the faithful performance of such bid; and all such bids shall be kept by the board or officer inviting same, and shall be open to public inspection after said bids have been accepted or rejected.

#### Historical Note

- St. 1890 c. 418 §5

#### Interpretive Note

Other requirements apply to contracts awarded pursuant to G.L. c. 149 §§44A-L (contracts for the construction, etc. of buildings). See G.L. c. 149 §44B

#### Cross Reference

- G.L. c. 41 §17



## §7

## BIDS IN DUPLICATE

Whenever, in response to an advertisement by any officer or board of the city or county, a bid for a contract to do work or furnish materials is sent or delivered to said officer or board, a duplicate of the same shall be furnished by the bidder to the auditor, to be kept by him and not opened until after the original bids are opened. After the original bids are opened, the auditor shall open and examine the bids submitted to him, and shall compare the same with the original bids. In case any of the bids submitted to the auditor differ from the corresponding original bids, those submitted to the auditor shall be treated as the original bids. The contract shall not be awarded until after both sets of bids are opened.

## Historical Note

St. 1909 c. 486 §24

## Interpretive Note

This section does not apply to contracts awarded pursuant to G.L. c. 149 §§44A-L (contracts for the construction, alteration, demolition or repair of buildings). For other requirements applicable to those contracts (including restriction to only one place for the receipt of bids), see G.L. c.149 §44D.

## Cross References

G.L. c. 149 §§44A-L

G.L. c. 41 §17

## §8

## FORM OF CONTRACTS, TO BE IN WRITING, APPROVAL OF MAYOR, CERTIFICATION BY AUDITOR, ALTERATION THEREOF BY WRITTEN AGREEMENT ONLY

All contracts made by any department of the city of Boston or by any officer, board or official of the county of Suffolk having power to incur obligations on behalf of the county in cases where the obligations are to be paid for wholly from the treasury of the city, shall, when the amount involved is two thousand dollars or more, or when the contract comes within section five<sup>1</sup> be in writing; and no such contract shall be deemed to have been made or executed until the approval of the mayor of the city has been affixed thereto in writing and the auditor of the city has certified thereon that an appropriation is available therefor or has cited thereon the statute under authority of which the contract is being executed without an appropriation. All such contracts shall be accompanied by a suitable bond or deposit of money or other security for the faithful performance of such contracts, and such bonds or other security shall be deposited with the city auditor until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his or their bond, and the officer, board or official making the contract, with the approval of the mayor affixed thereto.

## Historical Notes

St. 1885 c. 266 §6

St. 1889 c. 320

St. 1890 c. 418 §6

St. 1939 c. 156 §2

St. 1941 c. 604 §1

St. 1950 c. 216 §1

St. 1952 c. 376

St. 1955 c. 60 §1

## Cross References

G.L. c. 149 §§44A-L (Required forms and procedures for competitive general bids and



sub-bids for construction etc. of buildings)

- G.L. c. 30 §39M (Required procedure for competitive bids for public works construction, etc. projects and also for purchase of certain materials, as defined therein; requirements for full competition for each item of material on public works and building construction etc. projects; exceptions only for "sound reasons in the public interest".)
- G.L. c. 30 §39A - 39E (Required provisions in, and procedures with respect to, contracts for construction, etc. of public ways, airports, etc. for dump trucks, carriers, etc.; security for "Transportation charges")
- G.L. c. 30 §39F (Required contract provisions with respect to payments by general contractors to subcontractors on public works and building construction, etc. projects; direct payments by city; procedures)
- G.L. c. 30 §39G (Required procedures for final payment to contractors on public works construction, etc. projects)
- G.L. c. 30 §30I (Criminal penalties for wilful and substantial deviation from contract documents on public works and building construction projects; procedures)
- G.L. c. 30 §39J (Finality or conclusiveness of decisions by public officials and of architects and engineers on public works and building construction, etc. projects; standards)
- G.L. c. 30 §39K (Required contract provisions in contracts for building construction, etc. contracts with respect to periodic and final payments by city and by general contractors; procedures)
- G.L. c. 30 §39L (Prohibition against entering general and/or subcontracts with foreign corporations not in compliance with G.L. c.181 §3,5; procedures)
- G.L. c. 30 §39N (Equitable adjustment in contract price required in contracts for construction, etc. public works and building for substantial or material difference in site conditions from information on drawings)
- G.L. c. 30 §39O (Delays, suspensions, failure to act on part of city in public works and building construction, etc. projects;; adjustment in contract price; procedures)
- G.L. c. 30 §39P (Decisions of officials and architects on public works and building construction, etc. projects to be rendered promptly, notice provisions, procedures)
- G.L. c. 30 §40 (Procedures and time for discharge of bonds on public works and building, etc. contracts)
- G.L. c. 43 §29 (Mayor or city manager to approve contracts in standard charter cities)
- G.L. c. 44 §31C (Auditor to certify availability of appropriation on public works and building construction, etc. contracts and change orders)
- G.L. c. 149 §25 (Required provisions in contracts for "public work" prohibiting interference with lodging, boarding or trading)
- G.L. c. 149 §§26 - 27G (Required provisions in public works and building construction, etc. and certain other contracts with respect to citizen and veteran preference in employment and also requirements for minimum wages to be paid, procedures, penalties)
- G.L. c. 149 §28 (Claims for personal labor in public works or building construction, etc. projects against cities; procedures)
- G.L. c. 149 §29 (Security by bond required for payment for labor, materials, etc. on public works and building construction, etc. contracts; procedures)
- G.L. c. 149 §30 [accepted by City, November, 1919] (Working hours per day and per week on public works and building construction etc. projects limited except in cases of emergency)
- G.L. c. 149 §34 (Required provisions in public works and building construction, etc. contracts re: G.L. c.149 §30)
- G.L. c. 149 §34A (Required provisions for workmen's compensation insurance in public works and building construction, etc. contracts)

Rev. Ord. 1961 c. 17 §1 (Corporation Counsel to "...draft and approve as to form all written contracts...")

Rev. Ord. 1961 c. 2 §7 (Procedures for release and substitutions of bonds)

§9 CONTRACTS FOR EXECUTION OF CERTAIN WORKS OF ART TO BE MADE BY ART COMMISSION

All contracts or orders for the execution of any painting, monument, statue, bust, bas-relief or other sculpture for the city shall be made by the art commission, acting by a majority of all its members, subject to the approval of the mayor.

Historical Note

St. 1898 c. 410 §6

Cross Reference

Statutes, Title 5 c. 1 (Art Commission)

§10 INCURRING LIABILITIES IN ANTICIPATION OF APPROPRIATION

In the period after the expiration of any fiscal year, and before the regular appropriations have been made by the city council and the school committee, city and county officers who are authorized to make expenditures, and the school committee, may incur liabilities in carrying on the work of the several departments and offices entrusted to them, and payments therefor shall be made from the treasury from any available funds therein and charged against the next annual appropriation, or special appropriation, if any is made; provided, that the liabilities incurred during such interval for regular employees do not exceed in any one month the average monthly expenditure of the last three months of the preceding fiscal year, and that the total liabilities incurred during said interval do not exceed in any one month the sums spent for similar purposes during any one month of the preceding fiscal year; and provided, further, that the officers who are authorized to make expenditures may expend in any one month for any new officer or board lawfully created an amount not exceeding one twelfth of the estimated cost for the current fiscal year; and provided, further, that until a regular or special appropriation has been made for snow removal, expenditures may be made for that purpose to an amount not exceeding the average of the annual expenditures for snow removal in the five preceding fiscal years. Notwithstanding the foregoing limitations upon the authority of city officers to incur liabilities during said interval, such officers may incur liabilities to such extent as may be necessary for the purpose of compensating first assistant assessors for their regular duties.

Historical Notes

St. 1885 c. 266 §6

St. 1889 c. 320 §1

St. 1909 c. 486 §3A

St. 1941 c. 604 §1

St. 1947 c. 120

Interpretive Note

While St. 1969 c.849 §48, as amended, (the Fiscal Cycle Reform Act) struck out a similar provision in G.L. c.44 §34, that legislation did not, at the same time strike out §10, above,

which was, and is, applicable only to the city of Boston and the county of Suffolk.

Cross Reference

G.L. c. 44 §56A (Fiscal year of cities)

§11

CONTRACTING FOR NEXT FISCAL YEAR

Anything in section [ten] or section [four] to the contrary notwithstanding, city and county officers who are authorized to make expenditures, and the school committee, may, during any fiscal year, at the time of or after, contracting for the performance or delivery during the remainder of such year of any work, services or supplies of a constantly recurrent nature, contract, without an appropriation, upon like or more favorable terms and conditions, for the performance or delivery of such work, services or supplies for the whole or any part of the first three months of the next fiscal year; provided, that in no event shall the average monthly liability incurred with respect to the next fiscal year exceed the average monthly liability for such work, services or supplies during the last nine months of the then current fiscal year.

Historical Notes

St. 1909 c. 486 §16A

St. 1951 c. 182

Interpretive Note

While St. 1969 c.849 (the Fiscal Cycle Reform Act) §24, as amended, struck out a similar provision in G.L. c.40 §4, that legislation did not, at the same time, strike out §11, above, which was, and is, applicable to Boston.

Cross Reference

G.L. c. 44 §56A (Fiscal year of cities)

§12

PAY ROLLS, BILLS, ACCOUNTS FOR SALARY OR COMPENSATION

[Repealed by St. 1974 c. 441. See G.L. c. 41 §41]

Historical Notes

St. 1908 c. 210

St. 1908 c. 587

St. 1909 c. 332

St. 1943 c. 161

St. 1945 c. 334

St. 1947 c. 137

Cross References

G.L. c. 31 §31

G.L. c. 41 §§41, 41A, 42, 43



**§13 APPROVAL OF BILLS ; POWER OF CITY AUDITOR; PENALTY**

All accounts rendered to or kept in the departments of the city or county shall be subject to the inspection and revision of the city auditor, and shall be rendered and kept in such form as he shall prescribe. The auditor may require any person presenting for settlement an account or claim against the city or county to make oath before him in such form as he may prescribe as to the accuracy of such account or claim. The wilful making of a false oath shall be perjury and punishable as such. The auditor may disallow and refuse to pay, in whole or in part, any claim on the ground that it is fraudulent or unlawful and in that case he shall file a written statement of his reasons for the refusal.

**Historical Note**

St. 1909 c. 486 §23

**Cross References**

Statutes, Title 6 c. 1 (Auditing Department)

Rev. Ord. 1961 c. 3 §19 (Bills and Demands to be sent to auditor)

Rev. Ord. 1961 c. 6 §4 (Examination of bills by auditor)

G.L. c. 41 §52 (Approval of bills, etc.)

See also cross references to section 8, supra.

**§14 REFERENCE BY CERTAIN OFFICIALS TO FINANCE COMMISSION OF CERTAIN PAY ROLLS, BILLS AND CLAIMS**

Whenever any pay roll, bill, or other claim against the city is presented to the mayor, city auditor, or the collector-treasurer, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the city's interest, refer it to the finance commission, which shall immediately investigate the facts and report thereon; and pending said report payment shall be withheld.

**Historical Note**

St. 1909 c. 486 §19

**Cross Reference**

Statutes, Title 6 c. 15 (Finance Commission)



Every such preliminary pay roll, bill or account, before the certificate of the director of civil service or his authorized agent is affixed thereto, shall be sworn to by the head of the department, or by the person who is immediately responsible for the appointment, employment, promotion or transfer, of the persons named therein, and shall contain, in addition to such other information as the director of civil service or his authorized agent may require, the following information: - First, name of each employee; second, title of office or position in which actually employed; third, salary, wages or other compensation; fourth, dates of employment. Every such preliminary pay roll, bill or account shall be in such form as the director of civil service or his authorized agent may require.

Any person who is entitled to receive the certificate of the director of civil service to the collector-treasurer as having been appointed, employed, transferred or promoted in accordance with the civil service law and rules, and who is refused such certificate, and any person who has so been certified and whose name has illegally been removed from a pay roll by reason of suspension or discharge by any officer or board in charge of a department, may file a petition in the form of mandamus in the superior or supreme judicial court to compel the officer or board in charge of such department to reinstate such person, or to compel the director of civil service to issue such certificate.

Each appointing, employing, or other officer, or in case of a board, each member thereof, who wilfully refuses or neglects to comply with the provisions of this section shall be punishable by a fine of not less than twenty-five nor more than one hundred dollars for each offense.

Nothing in this section shall be construed as making it unlawful to certify as days of employment holidays, half-holidays or vacation, authorized by the mayor and city council, although no labor or services are performed thereon.

#### Historical Notes

- St. 1908 c. 210
- St. 1908 c. 587
- St. 1909 c. 332
- St. 1943 c. 161
- St. 1945 c. 334
- St. 1947 c. 137

#### Cross References

- G.L. c. 31 §31
- G.L. c. 41 §§41, 41A, 42, 43

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All accounts rendered to or kept in the departments of the city or county shall be subject to the inspection and revision of the city auditor, and shall be rendered and kept in such form as he shall prescribe. The auditor may require any person presenting for settlement an account or claim against the city or county to make oath before him in such form as he may prescribe as to the accuracy of such account or claim. The wilful making of a false oath shall be perjury and punishable as such. The auditor may disallow and refuse to pay, in whole or in part, any claim on the ground that it is fraudulent or unlawful and in that case he shall file a written statement of his reasons for the refusal.



## Historical Note

St. 1909 c. 486 §23

## Cross References

Statutes, Title 6 c. 1 (Auditing Department)

Rev. Ord. 1961 c. 3 §19 (Bills and Demands to be sent to auditor)

Rev. Ord. 1961 c. 6 §4 (Examination of bills by auditor)

G.L. c. 41 §52 (Approval of bills, etc.)

See also cross references to section 8, supra.

## §14

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Whenever any pay roll, bill, or other claim against the city is presented to the mayor, city auditor, or the collector-treasurer, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the city's interest, refer it to the finance commission, which shall immediately investigate the facts and report thereon; and pending said report payment shall be withheld.

## Historical Note

St. 1909 c. 486 §19

## Cross Reference

Statutes, Title 6 c. 15 (Finance Commission)

## TITLE 5

## ADMINISTRATION

Chap.		Sec.
1	Administrative Services Department . . . . .	1
	Art Commission	
	Public Safety Commission	
3	Boards, Departments: Officers, Subordinates and Employees . . . . .	100
5	Pensions, Retirement Allowances and Annuities . . . . .	300
7	Boston Retirement Board . . . . .	400
9	Law Department . . . . .	4 50

Chapter 1 -- Administrative Services Department  
(Prepared by Marilyn Sticklor, Assistant Corporation Counsel)

Sec.	
1	Budget Department Positions Subject to Civil Service Laws
2	Supervisor of Personnel Subject to Civil Service Laws
	<u>Art Commission</u>
3	Clerical Assistance
4	Powers and Duties
5	Failure of Commission to Act
	<u>Public Safety Commission</u>
6	Public Safety Commission

There is no special act relating to the powers and duties of the budget commissioner but G.L. c. 35 §56 is applicable. It relates to some duties of the budget commissioner with respect to Suffolk County, but has been superseded by Rev. Ord. 1961 c. 4 §§3 and 4, which give such duties to the supervisor of personnel. (For other provisions relating to personnel see chapter 3, BOARDS, DEPARTMENTS: OFFICERS, SUBORDINATES AND EMPLOYEES.)

§1 BUDGET DEPARTMENT POSITIONS SUBJECT TO CIVIL SERVICE LAWS

All positions, including all county positions, in the budget department shall be subject to the

civil service laws and rules; and the tenure of all incumbents of said positions shall be unlimited, subject, however, to said laws and rules.

Historical Note

St. 1945 c. 495 § 1

§2

SUPERVISOR OF PERSONNEL SUBJECT TO CIVIL SERVICE LAWS

The office of supervisor of personnel shall, upon October 19, 1959, be subject to the civil service laws and rules, and the tenure of any incumbent thereof shall be unlimited, subject, however, to said laws and rules.

The incumbent of said office on said effective date shall be subjected to a qualifying examination for such office by the division of civil service. If said incumbent passes said examination he shall be certified for said office and shall be deemed to be permanently appointed thereto without serving any probationary period, and his tenure of office shall be unlimited subject, however, to the provisions of said laws.

Historical Note

St. 1959 c. 603 §1

Cross Reference

G.L. c. 35 §56

Rev. Ord. 1961 c. 4 §§3,4

Art Commission

(Prepared by Peter Koff, Assistant Corporation Counsel)

See Ordinances and Regulations. By Ordinances 1953 c. 8 §§9-10 (Rev. Ord. 1961 c. 4 §8), and under the authority of St. 1953 c. 473, the Board of Art Commissioners (established pursuant to St. 1898 c. 410 §1) was reorganized as the Art Commission. See also G.L. c. 41 §83.

§3

CLERICAL ASSISTANCE

The Art Commission may appoint a clerk who shall be exempt from the civil service laws, and who shall receive such compensation as may be fixed by the Art Commission with the approval of the mayor. The clerk shall perform such duties as may be prescribed by the Art Commission.

Historical Notes

St. 1898 c. 410 §2

Sp. St. 1919 c. 87 §1

St. 1953 c. 473 §1

Rev. Ord. 1961 c. 4 §8



## §4

## POWERS AND DUTIES

The Art Commission shall have the custody and care of all works of art owned by the city and heretofore under the control of any department thereof. No work of art shall become the property of the city by purchase, gift or otherwise, until it, or a design or model thereof, and the situation proposed therefor shall have been approved by the art commission, and no work of art, until approved by the art commission, shall be erected or placed in, over or upon, or allowed to extend in, over or upon any street, avenue, square, park or other property belonging to the city. The art commission may, with the approval of the mayor, order the removal, relocation or alteration of any existing work of art owned by the city, and no such work of art shall be removed, relocated or altered without such order and approval. The art commission shall at the request of the mayor, study, consider and report upon the design of any municipal building, bridge, approach, fence or other structure erected or to be erected upon land belonging to the city, and upon the design of any arch, bridge, structure or approach which is the property of any person, firm or corporation, and extends in, over or upon any street, avenue, highway, park or public place.

The term "work of art", as used in this section shall apply to and include all paintings, mural decorations, statues, bas-reliefs, sculptures, monuments, fountains, arches, ornamental gateways and other structures of a permanent character intended for ornament or commemoration.

All contracts or orders for the execution of any painting, monument statue, bust, bas-relief or other sculpture for said city shall be made by the art commission, acting by a majority of all its members, subject to the approval of the mayor.

## Historical Notes

St. 1898 c. 410 §§3,4,6

Sp. St. 1919 c. 87 §2

St. 1953 c. 473 §1

Rev. Ord. 1961 c. 4 §8

## Cross Reference

G.L. c. 41 §§82 - 84

## §5

## FAILURE OF COMMISSION TO ACT

If the art commission fails to decide upon any matter submitted to it within sixty days after such submission, its decision shall be deemed unnecessary.

## Historical Notes

St. 1898 c. 410 §5

St. 1953 c. 473 §1

Rev. Ord. 1961 c. 4 §8

Public Safety Commission

(Prepared by John A. Fiske, Assistant Corporation Counsel  
and Kathleen King, Legal Assistant)

## §6

## PUBLIC SAFETY COMMISSION

There shall be in the administrative services department, or in such other department as the city council with the approval of the mayor shall from time to time determine, a board, known as the Public Safety Commission, consisting of the director of administrative services, the director

of civil defense, the building commissioner, the fire commissioner, the commissioner of health and hospitals, the police commissioner, the public works commissioner, the commissioner of traffic and parking, and the superintendent of schools, and the general manager of the Massachusetts Bay Transportation Authority, ex officio. It shall be the duty of the commission to co-ordinate the work of all departments of the city concerned with the public safety to the end that there may be efficient and concerted action by said departments, particularly in times of emergency and disaster. The commission shall meet at least once each month, at the call of the director of administrative services, for the purpose of discharging said duty.

#### Historical Notes

St. 1959 c. 203 §§1,2

St. 1961 c. 194

St. 1962 c. 338 §§14,15

St. 1964 c. 563 §24

St. 1965 c. 656

Chapter 3 - Boards, Departments: Officers, Subordinates and Employees  
(Prepared by Marilyn Sticklor, Assistant Corporation Counsel)

Sec.

100	Exercise of Executive Powers
101	Relationship of Mayor to Boards and Officers of City and Vice Versa
102	Appointment of Officers, Etc. by Mayor
103	Temporary Filling of Certain Vacancies
104	Terms of Office
105	"Lame Duck" Appointments Prohibited
106	Holding over after Expiration of Term
107	Removal of Officers, Etc., by Mayor
108	Subordinates
109	Appointment and Tenure of Subordinate Officers and Employees
110	Employees Subject to Civil Service Laws
111	Employees Not Subject to Civil Service Laws
112	Preference Under Civil Service Laws for Widows Registering for Certain Positions
113	Status Under Civil Service Laws of Employees Affected by Reorganization
114	Vacations for Employees of Printing Plant
115	Special Municipal Employees for the Purposes of G.L. c. 268A (Conflict of Interest Laws)
116	Annual List of Officials and Employees in Each Department

§100      EXERCISE OF EXECUTIVE POWERS

The executive powers of said city, and all the executive powers immediately prior to the effective date of chapter 266 of the acts of 1885 vested in the board of aldermen, as such, as surveyors of highways, county commissioners or otherwise, shall be and hereby are vested in the mayor, to be exercised through the several officers and boards of the city in their respective departments, under his general supervision and control.

Historical Notes

St. 1821 c. 110 §§1,13,14,15  
 St. 1854 c. 448 §§33,35  
 St. 1885 c. 266 §6  
 St. 1909 c. 486 §5  
 St. 1953 c. 473 §1

§101      RELATIONSHIP OF MAYOR TO BOARDS AND OFFICERS OF CITY AND VICE VERSA

The several officers and boards of the city shall be at all times accountable for the proper discharge of their duties to the mayor, as the chief executive officer, whose duty it shall be to secure the

honest, efficient and economical conduct of the entire executive and administrative business of the city, and the harmonious and concerted action of the different departments.

It shall be the duty of the mayor to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished. The mayor shall, once a month or oftener, call together the heads of departments for consultation and advice upon the affairs of the city; and at such meetings and at all times they shall furnish such information as to matters under their control as the mayor may request.

#### Historical Notes

St. 1821 c. 110 §§12,20

St. 1854 c. 448 §§46,51

St. 1885 c. 266 §§6,7

### §102

#### APPOINTMENT OF OFFICERS, ETC. BY MAYOR

All heads of departments and members of municipal boards (but excluding the school committee and those officials by law appointed by the governor), shall be appointed by the mayor without confirmation by the city council. They shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training or experience to perform the same, and (except the election commissioners, who shall remain subject to the provisions of sections 78-79 of chapter 835 of the acts of 1913) shall be appointed without regard to party affiliation or to residence at the time of appointment.

Every department or agency head created by, or resulting from a reorganization effected by, a by-law or ordinance made under section 1 of chapter 473 of the acts of 1953 shall, unless ex officio, be appointed by the mayor without confirmation by the city council.

#### Historical Notes

St. 1885 c. 266 §§1,2

St. 1909 c. 486 §§9,10

St. 1912 c. 550 §1

St. 1930 c. 167 §1

St. 1953 c. 473 §1

#### Cross Reference

Statutes, Title 2 §200 (Special provision for Election Commissioners)

### §103

#### TEMPORARY FILLING OF CERTAIN VACANCIES

A vacancy in any office to which the provisions of section 9 of chapter 486 of the acts of 1909 apply, shall be filled by the mayor under the provisions of said section and pending a permanent appointment he shall designate some other head of a department or member of a board to discharge the duties of the office temporarily.

#### Historical Note

St. 1909 c. 486 §12

#### Cross Reference

G.L. c. 41 §61A



## §104 TERMS OF OFFICE

Members of boards shall be appointed for the terms established by law or by ordinance.

All members of boards and all trustees shall hold office for such terms as may be specified in the statutes creating them, but such terms shall begin with the first day of May in the year of appointment.

Heads of departments shall be appointed for terms of four years beginning with the first day of May of the year in which they are appointed.

Every department or agency head created by, or resulting from a reorganization effected by, a by-law or ordinance made under section 1 of chapter 473 of the acts of 1953, shall, unless ex officio, be appointed by the mayor without confirmation by the city council for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected or, in the case of a person serving without compensation or of a person serving on the board of appeal, the board of examiners or other like board, for such other term as the by-law or ordinance may prescribe.

Historical Notes

St. 1890 c. 418 §1

St. 1909 c. 486 §13

St. 1953 c. 473 §1

## §105 "LAME DUCK" APPOINTMENTS PROHIBITED

The term or tenure of office of the holder of any office or position in the service of the city of Boston who is appointed between an election at which a new mayor is elected as successor to the mayor last previously elected and the qualification of such successor shall expire or terminate on January thirty-first next following such appointment by operation of law, notwithstanding the provisions of chapter 31 of the General Laws or any other provision of law. No increase in salary or compensation granted by the city of Boston or Suffolk county during any such period to any officer or employee paid by it or partly by said county and partly by the commonwealth, except step rate increases, so called, shall be effective after January 31 next following the end of such period.

The provisions of chapter 332 of the acts of 1939 shall not apply to appointments by the superintendent of schools of the city of Boston approved by the school committee of said city.

Historical Note

St. 1939 c. 332 §§1,2

## §106 HOLDING OVER AFTER EXPIRATION OF TERM

Every officer included under the provisions of either section 1 or 2 of chapter 206 of the acts of 1885 shall, unless sooner removed, continue after the expiration of his term of service to hold his office until his successor is appointed or elected and duly qualified.

Every person on or after the effective date of chapter 418 of the acts of 1890 having sole or joint charge of a department of the city of Boston shall hold office until his successor is appointed and confirmed.

All members of boards and all trustees shall hold office until their respective successors are appointed and confirmed. All officers, except election officers, shall hold office until their respective successors are appointed and confirmed.

#### Historical Notes

St. 1885 c. 266 §4

St. 1890 c. 418 §1

### §107

#### REMOVAL OF OFFICERS, ETC., BY MAYOR

The mayor may remove any head of a department or member of a board (other than the election commissioners, who shall remain subject to the provisions of existing laws [see Title 2 Chapter 5]) by filing a written statement with the city clerk setting forth in detail the specific reasons for such removal, a copy of which shall be delivered or mailed to the person thus removed, who may make a reply in writing, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. The provisions of section 14 of chapter 486 of the acts of 1909 shall not apply to the school committee, the public facilities commission or any official by law appointed by the governor.

#### Historical Notes

St. 1854 c. 448 §49

St. 1885 c. 266 §1

St. 1890 c. 418 §1

St. 1909 c. 486 §14

St. 1966 c. 642 §11

#### Cross Reference

Statutes, Title 11 §1 (Removal of Police Commissioner)

### §108

#### SUBORDINATES

The term "subordinate" in chapter 418 of the acts of 1890, and in all other acts relating to the city of Boston or its departments, shall be construed to include only assistants, deputies, clerks and other officers, appointed by an officer or board in charge of a department and paid a yearly salary.

#### Historical Notes

St. 1885 c. 266 §5

St. 1890 c. 418 §2

## §109 APPOINTMENT AND TENURE OF SUBORDINATE OFFICERS AND EMPLOYEES

All officers and board included under the provisions of section 1 of chapter 266 of the acts of 1885 shall appoint their respective subordinates for such terms of service respectively as are or may be fixed by law or ordinance. Every subordinate of a department shall continue to hold his office until removed by the officer or board in charge of the department, for such cause as he, or it, shall deem sufficient, and shall assign in the order of removal.

## Historical Notes

St. 1885 c. 266 §5

St. 1890 c. 418 §3

## §110 EMPLOYEES SUBJECT TO CIVIL SERVICE LAWS

[ For more complete information, including historical notes, on the following positions, refer to the sections cited. ]

Assistant registrars in board of election commissioners (Title 2 §204)

City registrar in city clerk's office (Title 2 §552)

All budget department personnel (Title 5 §1)

Supervisors of personnel (Title 5 §2)

All positions in auditing department (Title 6 §1)

Deputy assessors (Title 6 §100)

Assistant assessors (Title 6 §101)

All positions in treasury department (Title 6 §200)

Superintendent of parks and recreation and his assistants and employees except that play instructors and supervisors may be appointed from the list of persons eligible to be appointed as school teachers for the city (Title 7 §108)

Assistant physical director in parks and recreation department (Title 7 §112)

Sealer of weights and measures; Chief deputy sealer and not more than 17 deputy sealers (Title 9 §10)

Chief Matron of house of detention for women (Title 11 §21)

All officers, fire fighters and employees in fire department other than fire commissioner and fire chief (Title 11 §78)

Auctioneer in real property board (Title 11 §252)

Veterans services physician (Title 12 §51)

Supervisor of veterans graves and registration (Title 12 §52)

Deputy penal institutions commissioner, commitment officer and transfer officer (Title 12 §355)

Director of markets (Title 14 §100)

Supervisors of attendance in schools (Title 15 §20,27)

Engineers, janitors and persons having charge of furnaces and steamboilers in school buildings (Title 15 §26)

Incumbents in 1966 in positions of chief structural engineer and senior structural engineer governed by civil service but not their successors, in schools (Title 15 §33)

## Cross References

G.L. c. 31 §§3(b), 4 and 47

Civil Service Rules, Rule 3



## §111 EMPLOYEES NOT SUBJECT TO CIVIL SERVICE LAWS

[For more complete information, including historical notes, on the following positions, refer to the sections cited.]

Mayor's office secretaries, stenographers, clerks, telephone operators, chauffeurs, and messengers (Title 2 §7)

Clerk in art commission (Title 5 §3)

All public facilities commission personnel or director except those already permanent civil service employees, transferred to PFD (Title 8 §2)

Secretary to Beacon Hill architectural commission (Title 9 §250)

Secretary to police commissioner (Title 11 §3)

Police officers of the highest rank and next highest rank - appointment not subject to civil service, removal procedure not subject to civil service, if upon removal, he is reinstated in the rank, subject to civil service, held by him immediately prior to his appointment as such an officer (Title 11 §4)

Health and hospitals employees in highest or next-to-highest rank under commissioner (Residency requirement of civil service waived for some health and hospitals employees) (Title 12 §3)

Executive director and other employees of youth activities commission (Title 12 §252)

Secretary to licensing board (Title 14 §2)

Administrative assistants to school committee member (Title 15 §12)

Incumbents in 1966 in positions of chief structural engineer and senior structural engineer governed by civil service but not their successors (Title 15 §33)

Not more than five offices or positions in the service of the board or officer having care, custody and control of municipal auditorium (Title 17 §50)

Cross Reference

G.L. c. 31 §J

## §112 PREFERENCE UNDER CIVIL SERVICE LAWS FOR WIDOWS REGISTERING FOR CERTAIN POSITIONS

Widows of men who died while in the service of the city of Boston, who register with the department of civil service and registration for employment as scrub women or helpers in the labor service of the city, if found qualified, shall be placed on the eligible list for the class for which they register ahead of all other applicants. All other widows who so register for such employment in the city shall, if found qualified, be placed on the eligible list ahead of all other applicants, except the class above specified. The names of widows eligible for scrub women and helpers shall be certified for labor service in the city in preference to other persons eligible, according to the method of certification prescribed by the civil service rules.

Historical Note

St. 1923 c. 476 §1

## §113 STATUS UNDER CIVIL SERVICE LAWS OF EMPLOYEES AFFECTED BY REORGANIZATION

Every person holding an office or position subject to the civil service laws and rules shall, if the office or position is abolished by a by-law or ordinance made under section 1 of chapter 473



of the acts of 1953 and the by-law or ordinance so provides, be reappointed without civil service examination or registration to a similar office or position with similar status in any new department or agency, or division of either, thereby created or in any department or agency, or division of either, not thereby abolished; and every such person shall upon reappointment retain all right to retirement with pensions that shall have accrued or would thereafter accrue to him; and his services shall be deemed to have been continuous to the same extent as if such abolition had not taken place. Nothing in this section shall authorize any action in conflict with the civil service laws or rules except as expressly provided herein.

Historical Note

St. 1953 c. 473 §1

Cross Reference

G.L. c. 31 §461

§114 VACATIONS FOR EMPLOYEES OF PRINTING PLANT

Employees of the municipal printing plant of the city who have been regularly employed therein for any year or more shall be granted annually a vacation of two weeks without loss of pay, at such times as in the opinion of the superintendent of the printing plant will cause the least interference with the regular work of said plant.

Historical Note

Sp. St. 1916 c. 129 §1

§115 SPECIAL MUNICIPAL EMPLOYEES FOR THE PURPOSES OF G.L. C. 268A (THE CONFLICT OF INTEREST LAW)

The members of the board of health and hospitals shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.

The members of the public facilities commission shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.

For the purposes of chapter 268A of the General Laws, the members of the economic development and industrial corporation shall be deemed to be special municipal employees.

Historical Notes

St. 1965 c. 656 §1

St. 1966 c. 642 §1

St. 1971 c. 1097 §3

Cross Reference

G.L. c. 121B §7

G.L. c. 268 A §1(n)

§116 ANNUAL LIST OF OFFICIALS AND EMPLOYEES IN EACH DEPARTMENT

Every officer and board in charge of a department of the city of Boston or county of Suffolk shall, on or before the sixth day of February in each year, prepare and furnish to the city auditor

a list of the officials and employees under said board or officer and paid by the city or county on the first day of such February. Such list shall give the name, residence by street and ward, designation, compensation, and date of election or appointment of each of said officials and employees and the date when each first entered the employ of the city or county.

#### Historical Notes

St. 1909 c. 486 §27

Sp. St. 1919 c. 168 §1

St. 1922 c. 133 §1

St. 1938 c. 263 §1

St. 1951 c. 111

Chapter 5 -- Pensions, Retirement Allowances and Annuities

( Prepared by the late William H. Kerr, Senior Legal Assistant  
and J. Edward Keefe, Assistant Corporation Counsel)

Because of the difficulty in codifying the many confusing statutes regarding the City's retirement system, William Kerr's work is published here. Despite many language changes Kerr may have made to the original statutes, his work here represents the most accurate rendition of the statutes possible at this time.

Sec.

300	State-Boston Retirement System
301	Late Entry Into, and Withdrawal from State-Boston Retirement System
302	Disposition of Certain Sums in Pension Fund of State-Boston Retirement System
303	Prior Service Credit for Certain County Officials
304	Boston Retirement System. Continuation
305	Boston Retirement System. Definitions
306	Boston Retirement System. Annuity Savings Fund, Pension Accumulation Fund, and Retirement Reserve Fund
307	Boston Retirement System. Investment of Funds and Disposition of Income
308	Boston Retirement System. Payment of Contributions by City
309	Boston Retirement System. Retirement for Superannuation
310	Boston Retirement System. Superannuation Retirement Allowance
311	Boston Retirement System. Retirement for Ordinary Disability
312	Boston Retirement System. Ordinary Disability Retirement Allowance
313	Boston Retirement System. Retirement for Accidental Disability
314	Boston Retirement System. Accidental Disability Retirement Allowance
315	Boston Retirement System. Accidental Death Benefit
316	Boston Retirement System. Options
317	Boston Retirement System. Monthly Payment of Allowances
318	Boston Retirement System. Deductions for Workmen's Compensation Benefits
319	Boston Retirement System. Service for Compensation Prohibited After Retirement
320	Boston Retirement System. Refund of Accumulated Deductions in Certain Cases
321	Boston Retirement System. Refund of Accumulated Deductions on Death
322	Boston Retirement System. Exemption from Taxation and Attachment
323	Boston Retirement System. Annual Examination of Members Retired for Disability
324	Boston Retirement System. Estimating Service and Compensation of Members
325	Boston Retirement System. Mortality and Service Tables, Actuarial Valuations, and Annual Report
326	Boston Retirement System. Rules and Regulations
327	Boston Retirement System. Equity Jurisdiction of Courts
328	Boston Retirement System. Discharge, Demotion, Etc., of Employees
329	Teachers' Retirement Fund. Continuation
330	Teachers' Retirement Fund. Definition
331	Teachers' Retirement Fund. Component Funds
332	Teachers' Retirement Fund. Board of Trustees
333	Teachers' Retirement Fund. Powers and Duties of Trustees
334	Teachers' Retirement Fund. City Treasurer as Custodian
335	Teachers' Retirement Fund. Teachers Covered
336	Teachers' Retirement Fund. Retentions from Teachers' Salaries
337	Teachers' Retirement Fund. Annuity Upon Thirty Years' Service
338	Teachers' Retirement Fund. Annuity Upon Incapacitation
339	Teachers' Retirement Fund. Prerequisite to Annuity
340	Teachers' Retirement Fund. Uniform Annuity
341	Teachers' Retirement Fund. Refund of Contributions



342	Teachers' Retirement Fund. Exemption from Taxation
343	Permanent School Pension Fund. Continuation
344	Permanent School Pension Fund. Definitions
345	Permanent School Pension Fund. Board of Trustees
346	Permanent School Pension Fund. Investment of Fund
347	Permanent School Pension Fund. Retirement of Members
348	Permanent School Pension Fund. Amount of Pension
349	Permanent School Pension Fund. Re-Establishment of Certain Pensions
350	Permanent School Pension Fund. Restoration to Active Service
351	Permanent School Pension Fund. Payments of Pensions
352	Permanent School Pension Fund. Exemption from Taxation
353	Noncontributory Pensioning of Custodians and Supervisors of Attendance in School Department
354	Noncontributory Pensioning of Certain Superannuated Members of the Fire Department
355	Noncontributory Pensioning of Certain Disabled Members of Fire Department
356	Annual Examination of Disabled Members of Fire Department Receiving Noncontributory Pensions
357	Rendition by Retired Members of Fire Department of Temporary Service in Emergencies
358	Member of Fire Department to Include Member of Fire Alarm Service
359	Noncontributory Pensioning of Certain Members of Police Department
360	Annual Examination of Disabled Police Officer Receiving Noncontributory Pensions
361	Rendition by Retired Police Officers of Temporary Service in Emergencies
362	Member of Police Force to Include Member of Police Signal Service
363	Noncontributory Pensioning of Laborers
364	Retirement for Superannuation Without Pension
365	Increasing Benefits Paid to Widows of Certain Boston Police Officers

## §300 STATE-BOSTON RETIREMENT SYSTEM

The retirement system which became operative in the city and county on October 1, 1946, under chapter 32 of the General Laws shall, in so far as it relates to the city be known as the State-Boston Retirement System.

### Historical Note

St. 1947 c. 520 §1

## §301 LATE ENTRY INTO, AND WITHDRAWAL FROM STATE-BOSTON RETIREMENT SYSTEM

Notwithstanding the provisions of chapter 520 of the acts of 1947, any employee of the city of Boston or of the county of Suffolk, who on June 19, 1958 is a member of the Boston retirement system may, at any time while such an employee, become a member of the State-Boston retirement system by filing with the Boston retirement board an application on a prescribed form for membership in the State-Boston retirement system. No person becoming a member of the State-Boston retirement system under this act shall be entitled to full credit for service rendered prior to the date of his becoming such member unless before the date any retirement allowance becomes effective for him he shall have paid into the annuity savings fund of the State-Boston retirement system, in one sum, or in instalments, upon such terms and conditions as said retirement board may prescribe, make-up payments of a sum equal to the difference between the contributions he has made to the Boston retirement system since January 1, 1947, and the contributions he

would have made had he joined the State-Boston retirement system on that date, together with regular interest thereon. Upon the completion of such make-up payments such member shall be entitled to all creditable service to which he would have been entitled had he joined the State-Boston retirement system when first eligible to become a member.

Notwithstanding the provisions of said chapter 520, any person who on February 1, 1923, was, and continuously since then has been, an employee as defined in paragraph (b) of section 2 of chapter 521 of the acts of 1922, as amended by section 5 of chapter 409 of the acts of 1937, and who on the effective date of this act is neither a member of the Boston retirement system nor a member of the State-Boston retirement system, may, at any time while such an employee, become a member of the State-Boston retirement system by filing with the Boston retirement board an application on a prescribed form for membership in the State-Boston retirement system. No person becoming a member of the State-Boston retirement system under this act shall be entitled to full credit for service rendered prior to the date of his becoming such member unless before the date any retirement allowance becomes effective for him he shall have paid into the annuity savings fund of the State-Boston retirement system, in one sum, or in instalments upon such terms and conditions as said retirement board may prescribe, make-up payments in a sum equal to the aggregate of (a) the amount which, if he had become a member of the Boston retirement system on February first, 1923, his accumulated deductions would total at the time of his becoming a member of the State-Boston retirement system under this act, together with regular interest thereon from the date of his becoming a member of the State-Boston retirement system, and (b) the difference between the contributions he would have made to the Boston retirement system since January 1, 1947, and the contributions he would have made had he joined the State-Boston retirement system on that date, together with regular interest on such difference. Upon the completion of such make-up payments such member shall be entitled to all creditable service to which he would have been entitled had he joined the State-Boston retirement system when first eligible to become a member.

In the event any retirement allowance becomes effective for any person becoming a member of the State-Boston retirement system under this act before the completion of the make-up payments prescribed hereunder, such person shall, in addition to credit for his actual membership service, be entitled to credit for that proportion of his service rendered prior to the date of his becoming a member of the State-Boston retirement system which the total amount of his make-up payments actually made, exclusive of interest accruing thereon after the date of his becoming a member, bears to the total amount of what his make-up payments would have been had he made payment thereof in one sum on the date of his becoming a member.

The provisions of this section, shall, notwithstanding any provision of general or special law to the contrary, be applicable to any person who on October 1, 1957, was an employee of the city of Boston or county of Suffolk and a member of the Boston retirement system who, between said October 1 and June 19, 1958, shall have reached the age of compulsory retirement, whether or not any retirement allowance had become effective or had been paid between said dates.

#### Historical Notes

St. 1947 c. 520 §5

St. 1958 c. 391

#### Cross Reference

St. 1955 c. 695 §7

§302 DISPOSITION OF CERTAIN SUMS IN PENSION FUND OF STATE-BOSTON RETIREMENT SYSTEM

Notwithstanding any inconsistent provision of chapter 32 of the General Laws, sums accumulated in the pension accumulation fund of the Boston retirement system and heretofore or hereafter transferred under paragraph (e) of subdivision (2) of section 28 of said chapter 32 to the pension fund of the State-Boston retirement system may, upon the retirement of the person for whom said sums were so accumulated, be used for the payment of the pension of such person in the proportion that his creditable service as a member of the Boston retirement system bears to his total creditable service when retired.

Historical Note

St. 1947 c. 422 §1

§303 PRIOR SERVICE CREDIT FOR CERTAIN COUNTY OFFICIALS

Any elected official of the county who became a member of the State-Boston retirement system on or before December 31, 1946, shall receive prior service credit for all service rendered by him to the county to October 1, 1946; and his retirement allowance shall be computed as if he had become a member of the Boston retirement system and had made contributions to the annuity savings fund of said system; provided, that that portion of a retirement allowance on account of such service shall not exceed one half of his regular compensation.

Historical Notes

St. 1946 c. 603 §4

§304 BOSTON RETIREMENT SYSTEM. CONTINUATION

The city shall continue the retirement system established on February 1, 1923, under chapter 521 of the acts of 1922 for the purpose of improving the efficiency of the public service by the retirement of disabled or superannuated employees, which system is now, and hereafter shall be, known as the Boston Retirement System.

Historical Note

St. 1922 c. 521 §§1,3,5

§305 BOSTON RETIREMENT SYSTEM. DEFINITIONS

As used in sections 304 to 328, inclusive, the following words and phrases shall, unless a different meaning is plainly required by the context, have the following meanings:-

"Accumulated deductions", the sum of all the amounts deducted from the compensation of a member and standing to his credit in the annuity savings fund of the system, together with regular interest on such amounts.

"Annuity", the annual payments for life derived from the accumulated deductions of a member.

"Employee", any person regularly and permanently in the employ of the city or county, and any official or public officer whose compensation is paid by the city or county or both,



whether employed or appointed for a stated term or otherwise, whose employment is such as to require that his time be devoted to the service of the city or county, or both, in each year during one half or more of the ordinary working hours of a city employee, and any regular and permanent employee of the commonwealth whose compensation is wholly paid by the city or county; provided, however, that the word "employee" shall not be construed to include persons elected by the people, members of the judiciary appointed on or after September 1, 1937, court officers of the supreme judicial and superior courts appointed prior to February 1, 1923, or teachers who, on September 1, 1923, were employed by the city and were members of the state teachers' retirement association.

"Member", any person who, when this act takes effect, is a member of the retirement system established under chapter 521 of the acts of 1922, as amended.

"New entrant", any person becoming an employee between February 1, 1923, and September 30, 1946, both inclusive, and any person becoming a member between February 1, 1924, and September 10, 1946, both inclusive.

"Pension", the annual payments for life derived from contributions made by the city.

"Prior service", service rendered as an employee prior to February 1, 1923, including service rendered as an employee of the Boston transit commission or of the former town of Hyde Park.

"Regular interest", interest at four per cent per annum compounded annually.

"Retirement board", the Boston retirement board.

"System", the Boston retirement system provided for by sections 304 to 328, inclusive, and corresponding provisions of earlier laws.

All members who became employees between February 1, 1923, and September 30, 1946, both inclusive, shall be deemed to have become members as a part of their employment and shall receive no pension or retirement allowance from the city or county other than under sections 304 to 328, inclusive. Every employee covered by a pension or retirement law of the commonwealth when the system was established who did not make written application to join the system and waive and renounce all benefits of all other pension and retirement systems supported wholly by the city or county shall be considered to retain and enjoy said benefits without diminution or impairment unless, when this act takes effect, he is a member of the State-Boston retirement system.

Any teacher employed by the city on February 1, 1923, in a day school conducted under section 1 to 24, inclusive, of chapter 74 of the General Laws as then in force, who prior to October 1, 1946, became a member of the system, shall be considered, for the purpose of sections 304 to 328, inclusive, to have been on said date an employee as defined in this section.

#### Historical Notes

St. 1922 c. 521 §2, 5

St. 1923 c. 381 §§3,5

St. 1925 c. 18 §1

St. 1926 c. 390 §1

St. 1937 c. 409 §5

#### BOSTON RETIREMENT SYSTEM. ANNUITY SAVINGS FUND, PENSION ACCUMULATION FUND, AND RETIREMENT RESERVE FUND

There shall be in the system an annuity savings fund, a pension accumulation fund, and a retirement reserve fund.

The annuity savings fund shall be the fund to which shall be paid the deductions from the

compensation of members. The city treasurer shall withhold four percent of the regular compensation due on each pay day to all employees who are members of the system; provided, that any such employee who comes under sections 329 to 342, inclusive, shall, if he so request the city treasurer in writing, have his contributions to the system reduced by the amount retained from his salary under section 336. The amounts so withheld shall be transferred immediately thereafter to the retirement board and credited to the account of each member so contributing and shall be paid into and become a part of said annuity savings fund.

The pension accumulation fund shall be the fund in which shall be accumulated the annual contributions made by the city. These annual contributions shall be such as shall be determined by actuarial computations on the basis of mortality and service tables approved by the retirement board as necessary to provide all pension payments on account of members of the system and shall be paid by the city treasurer to the retirement board in such instalments and at such times as the retirement board shall require. These annual contributions shall consist of a normal contribution and an accumulated liability contribution. The normal contribution shall be equal to such per cent of the annual compensation of all members as is computed to be sufficient to provide during the active service of the average new entrant for all pensions for which the city may be liable on his account. The sums payable by the commonwealth to the city on account of teachers retired under the system shall be paid into the pension accumulation fund and used to reduce the amount which would otherwise be required for the normal contributions from the city for the years in which such payments are made. The accumulated liability contribution shall be computed as a constant percentage of the total pay roll of all members and shall be sufficient to provide during the thirty year period immediately following the year 1932 for all pensions to be paid on account of members who are entitled to credit for prior service which are not provided by the normal contributions made on their account and the funds in hand on December 31, 1932, which have been accumulated for their account. The accumulated liability contributions shall be at least equal to regular interest on the accumulated liability as it existed on December 31, 1932, and shall be such sum as is approved by the state commissioner of insurance in each year. The accumulated liability contributions shall be discontinued as soon as the accumulated liability has been liquidated.

The retirement reserve fund shall be the fund to which upon the retirement of any member shall be transferred; (a) from the annuity savings fund the accumulated deductions of the member, and (b) from the pension accumulation fund an amount equal to his accumulated deductions, and (c) from the pension accumulation fund in the case of the accidental death or the retirement of a new entrant an amount sufficient to provide the pension payable on his account not covered by (b) of this paragraph.

From the annuity savings fund shall be paid the accumulated deductions of all members ceasing to be employees except by retirement. From the pension accumulation fund shall be paid all pensions payable on account of members who are entitled to credit for prior service which are not payable from the retirement reserve fund. From the retirement reserve fund shall be paid all annuities and all pensions equal to the annuities and, in the case of new entrants, all pensions payable on their account.

#### Historical Notes

- St. 1922 c. 521 §§6,7
- St. 1924 c. 249 §1
- St. 1924 c. 251 §1
- St. 1928 c. 382 §4
- St. 1933 c. 243 §1
- St. 1946 c. 603 §3
- St. 1951 c. 468 §14

§ 307 BOSTON RETIREMENT SYSTEM. INVESTMENT OF FUNDS AND DISPOSITION OF INCOME

The retirement board may invest the funds of the system in such securities as the board of commissioners of sinking funds may by law invest in. The retirement board shall annually allow regular interest on the average balance for the preceding year to the credit of the various funds provided for by section 306. If the income from investments exceeds the amount so credited, the excess shall be used to reduce the amount of contributions required of the city during the ensuing year. If the amount so credited exceeds the income from investments, the deficiency shall be paid by the city during the ensuing year.

Historical Note

St. 1922 c. 521 §8

§ 308 BOSTON RETIREMENT SYSTEM. PAYMENT OF CONTRIBUTIONS BY CITY

The retirement board shall estimate each year the aggregate amount to be contributed by the city and county for such year to the various funds provided for by section 306, and shall submit such estimate to the mayor not later than July first in such year. The amounts necessary to pay the contributions of the city and county to said funds shall be obtained from funds raised by taxation and shall not be subject to the statutory tax limit of the city for municipal services.

Historical Notes

St. 1922 c. 521 §§24,25

§ 309 BOSTON RETIREMENT SYSTEM. RETIREMENT FOR SUPERANNUATION

A member of the system who shall have attained age sixty shall, upon his own application, be retired for superannuation by the retirement board within thirty days after the filing of such application; or he may, and if he is a member of the police force he shall, upon the application of the head of his department, be retired for superannuation by the retirement board. A member, other than a member of the police force, whose retirement is applied for by the head of his department shall be entitled to notice of such application and a hearing before the retirement board; provided, that he requests such hearing in writing within ten days of the receipt of such notice.

A member of the system who shall have attained age seventy shall, unless a member of the judiciary or heads of departments and members of boards in charge of departments be retired for superannuation by the retirement board within thirty days after attaining such age, except that a school teacher attaining age seventy on or after September first in any year and before August first in the succeeding year shall be retired on the thirty-first day of August following his attaining age seventy unless he makes application for retirement prior to such thirty-first day of August, in which case he shall be retired for superannuation by the retirement board within thirty days after the filing of such application.

Historical Notes

St. 1922 c. 521 §9

St. 1924 c. 251 §2

St. 1947 c. 299 §1

The provision exempting judges from mandatory retirement at age 70 was superseded by Mass. Const. Amend. Art. 95.



**§310 BOSTON RETIREMENT SYSTEM. SUPERANNUATION RETIREMENT ALLOWANCE**

A person retired under section 309 shall receive a retirement allowance consisting of (a) an annuity having an actuarial value equivalent to his accumulated deductions at the time of his retirement, and (b) a pension equal to the annuity, and (c) if a member was an employee at the time the system was established and became a member thereof within one year thereafter and did not subsequently become a new entrant, an additional pension having an actuarial value equivalent to twice the contributions which he would have made during his prior service had the system then been in operation, together with regular interest thereon, and (d) if the retirement allowance provided under (a), (b) and (c) of this paragraph for a member who has been an employee for fifteen years or more would otherwise be less than four hundred and eighty dollars a year, an additional pension sufficient to make a total retirement allowance of four hundred and eighty dollars per year. The total pension of any member payable under this section shall not, except as provided in (d), exceed one half of his average annual regular compensation during the five years immediately preceding his retirement.

Anything in this section to the contrary notwithstanding, any head of a city department or member of a board in charge of a city department admitted to membership in the system under section 4 of chapter 251 of the acts of 1924, any employee admitted to such membership under section 2 or 3 of chapter 90 of the acts of 1925, and any official or public officer admitted to such membership under section 4 of chapter 390 of the acts of 1926 shall receive credit for prior service.

**Historical Notes**

- St. 1922 c. 521 §10
- St. 1923 c. 426 §1
- St. 1924 c. 251 §§3,4
- St. 1925 c. 90 §§2,3,4
- St. 1926 c. 390 §4

**§311 BOSTON RETIREMENT SYSTEM. RETIREMENT FOR ORDINARY DISABILITY**

A member of the system shall be retired for ordinary disability by the retirement board upon application by the member or by a person acting in his behalf or by the head of the department in which the member is employed, stating that the member is physically or mentally incapacitated for the performance of duty and ought to be retired; provided, that the member has not attained age sixty and has been an employee for fifteen or more years next preceding his application and that the medical board provided for by section 402 shall, after an examination of the member, report that the member is physically or mentally incapacitated for the performance of duty and that he should be retired.

**Historical Note**

- St. 1922 c. 521 §11

**§312 BOSTON RETIREMENT SYSTEM. ORDINARY DISABILITY RETIREMENT ALLOWANCE**

A person retired under section 311 shall receive a retirement allowance consisting of (a) an annuity having an actuarial value equivalent to his accumulated deductions at the time of his retirement, and (b) a pension equal to the annuity but not exceeding ninety per cent of the pension that would be payable under (a), (b), (c) and (d) of section 310 had he remained an employee without

change of compensation until he attained age sixty and then retired for superannuation, and (c) an additional pension of such an amount as will, when added to the pension under (b) of this section, make a total pension equal to ninety per cent of the pension that would be payable under (a), (b), (c) and (d) of section 310 in the case aforesaid.

Historical Note

St. 1922 c. 521 §12

§313

BOSTON RETIREMENT SYSTEM. RETIREMENT FOR ACCIDENTAL DISABILITY

If, upon application by a member of the system or by a person acting in his behalf or the head of the department in which such member is employed, or in the case of heads of departments, by the mayor and upon the receipt of proper proofs, the retirement board finds that such member is totally and permanently incapacitated for duty as the natural and proximate result of an accident or of undergoing a hazard peculiar to his employment, in the performance and within the scope of his duty, at some definite time and place, without contributory negligence on his part, and that such accident occurred or hazard was undergone not more than two years prior to said application, or if more than two years prior to said application, was reported in writing to the retirement board by the member or in his behalf within ninety days after it occurred or was undergone, and that such member should be retired, and if the medical board provided for by section 402 shall, after an examination of such member, find that such member is totally and permanently incapacitated for further performance of duty as the natural and proximate result of such accident or of undergoing such hazard, such member shall be retired by the retirement board for accidental disability.

Historical Notes

St. 1922 c. 521 §13

St. 1937 c. 163 §1

§314

BOSTON RETIREMENT SYSTEM. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE

A person retired under section 313 shall receive a retirement allowance consisting of (a) an annuity having an actuarial value equivalent to his accumulated deductions at the time of his retirement, (b) a pension equal to the annuity, and (c) an additional pension of such an amount as will, when added to the annuity and the pension under (b), be equal to three fourths of the annual compensation received by him during the year immediately preceding the date the accident occurred or the hazard was undergone; provided, that, if the person so retired is a fire fighter or a police officer, the pension shall be of such amount as will, when added to the annuity and the pension under (b), be equal to three fourths of the highest annual compensation payable at the date the accident occurred or the hazard was undergone to persons holding positions in the same grade and classification as such person.

Historical Notes

St. 1922 c. 521 §14

St. 1943 c. 204 §1



## §315

## BOSTON RETIREMENT SYSTEM. ACCIDENTAL DEATH BENEFIT

If a member of the system is killed or dies or a person retired under section 313 who has not taken an option under section 316 dies and upon application by the legal representative of the deceased or by the dependents of the deceased or a person acting in their behalf or by the board or officer having, at the time of the death of the deceased or, in the case of a person retired under section 313 at the time of his retirement, power to discharge or remove him, and upon receipt of due proof, the retirement board finds that the death of the deceased was the natural and proximate result of an accident or of undergoing a hazard peculiar to his employment, in the performance and within the scope of his duty, at some definite time and place, without contributory negligence on his part, and that such accident occurred or hazard was undergone not more than two years prior to the date of death or, if more than two years prior to the date of death, was reported in writing to the retirement board by the member or in his behalf within ninety days after it occurred or was undergone, and if the medical board provided for by section 402 shall find that the death was the natural and proximate result of such accident or of undergoing such hazard, the retirement board shall, grant an accidental death benefit consisting of (a) his accumulated deductions which shall be paid to his legal representative, and (b) if the deceased left dependents a pension equal to one half of the regular compensation received by him during the year immediately preceding the date the accident occurred or the hazard was undergone, which shall be paid: (1) to the widow of the deceased during her widowhood, or (2) if there be no widow or the widow dies or remarries before every child of the deceased shall have attained age eighteen, then to his child or children under said age, divided in such manner as the retirement board in its discretion shall determine, to continue as a joint and survivor pension until every such child dies or attains age eighteen, or (3) if there be no widow, or child under age eighteen, surviving the deceased, then to either his dependent father or dependent mother, as the retirement board in its discretion shall determine, to continue for life or until remarriage.

## Historical Notes

St. 1922 c. 521 §15

St. 1937 c. 163 §2

## §316

## BOSTON RETIREMENT SYSTEM. OPTIONS

With the condition that no optional selection shall become effective in case a member dies within thirty days after the filing of the application for his retirement, any member of the system, or if he be an incompetent, then his wife, or if he has no wife, then a conservator, may, until the first payment on account of any retirement allowance is made, elect to receive in lieu of the retirement allowance provided for by section 310, 312 and 314, a lesser retirement allowance payable throughout life with the provision that:

Option 1. If he die before he has received in payments the present value of his retirement allowance as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person having an insurable interest in his life as he, his wife or conservator shall have nominated by written designation duly acknowledged and filed with the retirement board at the time of retirement; or

Option 2. Upon his death his retirement allowance shall be continued throughout the life of, and paid to, such person having an insurable interest in his life, as he, his wife or conservator shall have nominated by written designation duly acknowledged and filed with the retirement board



at the time of retirement; or

Option 3. Upon his death one half of his retirement allowance shall be continued throughout the life of, and paid to, such person having an insurable interest in his life as he, his wife or conservator, shall have nominated by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

Historical Note

St. 1922 c. 521 §17

§317 BOSTON RETIREMENT SYSTEM. MONTHLY PAYMENT OF ALLOWANCES

Retirement allowances and accidental death benefits payable under section 304 to 328, inclusive, shall be paid in equal monthly installments.

Historical Notes

St. 1922 c. 521 §22

§318 BOSTON RETIREMENT SYSTEM. DEDUCTIONS FOR WORKMEN'S COMPENSATION BENEFITS

Any amounts paid or payable by the city under chapter 152 of the General Laws to a member or to the dependents of a member on account of disability or death shall be offset against and payable in lieu of any pension payable out of funds provided by the city under sections 304 to 328, inclusive, on account of the disability or death of the member. If the value of the total commuted benefits under said chapter 152 is less than the reserve on the pension payable under said 304 to 328, inclusive, the value of the total commuted benefits shall be deducted from the pension reserve and such pension as may be provided by the pension reserve so reduced shall be payable under said section 304 to 328, inclusive.

Historical Notes

St. 1922 c. 521 §26

St. 1925 c. 152

§319 BOSTON RETIREMENT SYSTEM. SERVICE FOR COMPENSATION PROHIBITED AFTER RETIREMENT

No person receiving a retirement allowance under the system shall be paid for any service rendered by him to the city or county after his retirement except service as a juror, service under section 357, and service under section 361.

Historical Note

St. 1922 c. 521 §27

Cross Reference

G.L. c. 32 §91

§320 BOSTON RETIREMENT SYSTEM. REFUND OF ACCUMULATED DEDUCTIONS IN CERTAIN CASES

Whenever a member of the system shall cease to be an employee for any reason other than death or retirement, his membership in the system shall cease and he shall forthwith be paid the amount of his accumulated deductions.

Historical Note

St. 1922 c. 521 §16

§321 BOSTON RETIREMENT SYSTEM. REFUND OF ACCUMULATED DEDUCTIONS ON DEATH

The accumulated deductions of every member of the system dying while an employee, whether section 315 is applicable or not, shall be paid to the person or persons, if any, surviving at the time of his death and appearing in the records of the retirement board at such time to have been nominated his beneficiary or beneficiaries as hereinafter provided; and, if there is no such person or if surviving persons so appearing have not been designated to receive his entire accumulated deductions, such deductions or the undesignated part thereof, as the case may be, shall be paid to the legal representative of the deceased member; provided, that if the sum so payable to such legal representative does not exceed three hundred dollars, and if there has been no demand upon the retirement board for payment of such sum by a duly appointed executor or administrator of the estate of the deceased member and the retirement board has not otherwise been informed that probate proceedings relative to such estate have been commenced, such sum may be paid, after the expiration of three months from the date of the death of the member, to the person or persons appearing in the judgment of the retirement board to be entitled thereto. Any question arising hereunder as to survivorship shall be finally determined by the retirement board. Payments made pursuant to this paragraph shall bar recovery by any other person.

Any member, by a writing signed, attested and subscribed in the same manner as a will on a form furnished by the retirement board and filed with such board prior to his death, may nominate, and from time to time change, one or more beneficiaries to receive in the event of the member dying while an employee, in designated proportion but not in the alternative, the accumulated deductions of the member; provided, that only the wife, husband and kindred of such member shall be eligible to be nominated his beneficiary or beneficiaries.

Historical Notes

St. 1922 c. 521 §§16,16A

St. 1939 c. 131 §1

§322 BOSTON RETIREMENT SYSTEM. EXEMPTION FROM TAXATION AND ATTACHMENT

The cash and securities in the funds provided for by section 306, all rights in such funds, all rights under the system to a retirement allowance or an accidental death benefit or to accumulated deductions, and such retirement allowance, accidental death benefit and accumulated deductions shall be exempt from state and municipal taxation, including income taxes levied under chapter 62 of the General Laws, and shall not be subject to execution or attachment by trustee process or otherwise, in law or in equity, or under any process whatsoever and, except as specifically provided in section 316 and 321, shall be nonassignable; provided, however, that if a person to whom a retirement allowance or accidental death benefit is payable under the system becomes a charge upon the city, the expense incurred by the city for his maintenance and support shall

be deducted from such retirement allowance or accidental death benefit as the same becomes due and payable; and the sum so deducted shall thereupon be paid over to the collector-treasurer who shall credit it to general revenue.

Historical Notes

St. 1922 c. 521 §§23,26

St. 1925 c. 152

§ 323

BOSTON RETIREMENT SYSTEM. ANNUAL EXAMINATION OF MEMBERS RETIRED FOR DISABILITY

Once each year the retirement board shall require every person under the age of sixty retired under the system for ordinary or accidental disability to submit to a medical examination at a place designated by the medical board provided for by section 402. Upon the completion of such examination, said medical board shall report in writing to the retirement board whether such person is still incapacitated physically or mentally for service in the department of the city or county where he was employed and of the rank or rating held by him when retired. If said medical board shall find that the disability for which such person was retired has ceased, or if such person fails to submit to said examination, his retirement allowance shall cease, and, if he was retired upon application of the head of the department in which he was employed, he shall be restored to the department from which he was retired at the same rank and salary which he had when he was retired.

If the retirement allowance of any person ceases as provided in this section without his restoration to active service, the reserve on his pension in the retirement reserve fund shall be transferred to the pension accumulation fund and the reserve on his annuity in the retirement reserve fund shall be paid to him. Should any person be restored to active service as provided in this section, the reserve on his pension in the retirement reserve fund shall be transferred to the pension accumulation fund and the reserve on his annuity in the retirement reserve fund shall be transferred to his credit in the annuity savings fund, and he shall then become again a member of the system; and when next retired, his retirement allowance shall be based upon his service in the period preceding his first retirement together with his service in the period from the date of his restoration to active service to the date of his final retirement.

Historical Note

St. 1922 c. 521 §19

§ 324

BOSTON RETIREMENT SYSTEM. ESTIMATING SERVICE AND COMPENSATION OF MEMBERS

If it is impracticable for the retirement board to determine the exact length of service or amount of salary, pay or compensation of any member of the system, the same shall be estimated by said board.

Historical Note

St. 1922 c. 521 §29



§325 BOSTON RETIREMENT SYSTEM. MORTALITY AND SERVICE TABLES, ACTUARIAL VALUATIONS, AND ANNUAL REPORT

The retirement board shall collect and keep in convenient form such data as shall be necessary for the preparation of mortality and service tables and for the compilation of such other information as shall be necessary for the actuarial valuation of the assets and liabilities of the system.

In the five year period beginning with the year 1953 and in every five-year period thereafter the retirement board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the system and a valuation of the assets and liabilities of the funds provided for by section 306; and taking into account the result of such investigation and valuation the retirement board shall (a) adopt for the system such mortality, service and other tables as shall be deemed necessary, and (b) certify the rates of contribution payable by the city under sections 304 to 328, inclusive.

The retirement board shall prepare and publish an annual report, which shall also be printed in the City Record, showing the annual valuation so prepared and setting forth a statement as to the accumulated cash and securities of the funds of the system as certified by the city auditor and city treasurer, and such other facts, recommendations and data as may be of value to the members of the system and the city.

Historical Note

St. 1922 c. 521 §20

§326 BOSTON RETIREMENT SYSTEM. RULES AND REGULATIONS

The retirement board may make such rules and regulations consistent with sections 304 to 328, inclusive, as it may deem necessary to carry out the provisions of said sections.

Historical Note

St. 1922 c. 521 §21

§327 BOSTON RETIREMENT SYSTEM. EQUITY JURISDICTION OF COURTS

The supreme judicial and superior courts shall have concurrent jurisdiction in equity upon the petition of the retirement board or any interested person to compel observance, and restrain violation, of sections 304 to 328, inclusive, and the rules and regulations made thereunder.

Historical Note

St. 1922 c. 521 §28

§328 BOSTON RETIREMENT SYSTEM. DISCHARGE, DEMOTION, ETC., OF EMPLOYEES

Nothing contained in section 304 to 327, inclusive, shall be construed as affecting the right or power of the city or county including, without limiting the generality of the foregoing, the school committee and the police commissioner, in regard to demotion, transfer, suspension or discharge of any employee.

Historical Note

St. 1922 c. 521 §31

§329       TEACHERS' RETIREMENT FUND. CONTINUATION

There shall be continued in the city the Teachers' Retirement Fund established under section 1 of chapter 237 of the acts of 1900.

Historical Note

St. 1900 c. 237 §1

§330       TEACHERS' RETIREMENT FUND. DEFINITION

As used in sections 329 to 342, inclusive, the following words and phrases shall, unless a different meaning is plainly required by the context, have the following meanings:--

"Fund", the teachers' retirement fund established under section 1 of chapter 237 of the acts of 1900 and continued under section 329.

"Trustees", the board of trustees provided for by section 332.

As used in said sections 329 to 342, inclusive, the term "teacher" shall include all supervisors, superintendents of instruction, principals and regular instructors in the public day school; and the term "public day school" shall include any continuation school maintained by the city under the provisions of section 21 of chapter 71 of the General Laws or corresponding provisions of earlier laws.

Historical Notes

St. 1900 c. 237 §12

St. 1920 c. 50 §5

St. 1951 c. 468 §13

§331       TEACHERS' RETIREMENT FUND. COMPONENT FUNDS

The fund shall consist of a permanent fund and a general fund. The permanent fund shall consist of gifts and legacies specifically given to the permanent fund and a sum set apart by the trustees. The general fund shall consist of gifts and legacies not specifically given to the permanent fund, the income of the permanent fund, the sums retained from the salaries of teachers under the provisions of section 336 or corresponding provisions of earlier laws, and the sums contributed by teachers under the provisions of section 339 or corresponding provisions of earlier laws. The general fund may be drawn upon by the trustees in their discretion for the purposes of sections 329 to 342, inclusive.

Historical Note

St. 1900 c. 237 §1

§332       TEACHERS' RETIREMENT FUND. BOARD OF TRUSTEES

There shall be for the fund a board of trustees, which shall serve without compensation, shall organize by adopting rules of its own, not inconsistent with sections 329 to 342, inclusive, and shall consist of the superintendent of schools, ex officio, four members of the school committee elected by such committee as provided in this section, and three male, and three female, teachers holding positions as instructors in the public day school of the city who, unless chosen to fill

a vacancy as provided in this section, shall be elected as follows:-- The teachers of the city coming under section 329 to 342, inclusive, shall on the last Saturday of October in each year hold a meeting at such hour and place as the trustees shall designate, which meeting shall be called, and due notice thereof given to all such teachers, by the trustees. At such meeting there shall be elected by ballot one male, and one female, teacher for a term expiring on the last Saturday of October in the third year following such meeting. A majority of all the votes cast shall be necessary in each case for an election. Any vacancy in the office of a trustee elected by such teachers shall be filled for the unexpired term by the remaining trustees elected by such teachers.

The school committee shall, at its first regular meeting in October in each year, elect two of its number to be members of the board of trustees for a term expiring on the last Saturday of October in the second year following such meeting. Any vacancy in the office of a trustee elected by the school committee shall be filled for the unexpired term by the school committee.

Whenever any trustee shall cease to hold a position as a teacher in the public day schools of the city or to be a member of the school committee, as the case may be, his membership in the board of trustees shall cease.

#### Historical Note

St. 1900 c. 237 §2

### §333

#### TEACHERS' RETIREMENT FUND. POWERS AND DUTIES OF TRUSTEES

The trustees shall have control of the fund and shall invest and reinvest it in like manner as the board of a retirement system subject to sections 1 to 28, inclusive, of chapter 32 of the General Laws. The trustees shall receive and consider all applications for annuities under sections 329 to 342, inclusive, and shall determine and direct payment of the same. The trustees shall keep full and complete records of the receipts and disbursements of the fund, and a complete list of all annuitants, and shall make a report of the same at the annual meeting of teachers provided for by section 332. All necessary expenses incurred by the trustees in carrying out sections 329 to 342, inclusive, shall be paid in accordance with votes of the trustees out of the general fund provided for by section 331.

#### Historical Notes

St. 1900 c. 237 §3

St. 1960 c. 247

### §334

#### TEACHERS' RETIREMENT FUND. CITY TREASURER AS CUSTODIAN

The collector-treasurer, under the direction of the trustees, shall be the custodian of the fund, and shall make payments therefrom as ordered by the trustees. He shall receive such compensation for his services and clerk hire, not exceeding five thousand dollars a year, as the trustees shall determine; and the sum so determined shall be appropriated for that purpose by the school committee.

#### Historical Notes

St. 1900 c. 237 §4

St. 1949 c. 445

St. 1971 c. 692



## §335

## TEACHERS' RETIREMENT FUND. TEACHERS COVERED

Sections 324 to 342, inclusive, shall be binding upon all teachers entering the service of the city on or after the effective date of this act, and upon all teachers entering such service before such effective date but subsequent to April 17, 1900, and upon such of the teachers in the service of the city on April 17, 1900, as prior to such effective date elected to come under chapter 237 of the acts of 1900 or may hereafter elect to come under sections 329 to 342, inclusive; provided, however, that any teacher who was in the service of the city on April 17, 1900, and who elected to come under said chapter 237 after April 17, 1920, or hereafter elects to come under said sections 329 to 342, inclusive, shall, prior to receiving an annuity under said sections 329 to 342, inclusive, pay into the general fund provided for by section 331 a sum equal to the difference between the interest accrued on the sums retained from the salary of the teacher and the interest which would have accrued upon the sums retained from the salary of the teacher had the teacher elected to come under said chapter 237 on April 17, 1900, all interest to be computed at the rate of four per cent a year and compounded annually. Notice in writing to the superintendent of schools, signed by the teacher making an election under the provisions of this section or corresponding provisions of earlier laws, shall be conclusive as to such election.

All teachers employed by the city on the effective date of chapter 50 of the acts of 1920 in continuation schools conducted under chapter 311 of the General Acts of 1919 shall be subject to sections 329 to 342, inclusive, except teachers who under section 2 of said chapter 50 continued to be members of the retirement association established by chapter 832 of the acts of 1913.

## Historical Notes

- St. 1900 c. 237 §11
- St. 1920 c. 50 §3
- St. 1920 c. 140 §3
- St. 1951 c. 468 §12

## §336

## TEACHERS' RETIREMENT FUND. RETENTIONS FROM TEACHERS' SALARIES

The collector-treasurer shall retain from the salary of every teacher coming under sections 329 to 342, inclusive, who is paid in twelve monthly payments the sum of two dollars a month, and from the salary of every such teacher who is not so paid, the sum of twenty-four dollars a year in such installments as the trustees shall approve. All sums retained by the collector-treasurer under this section shall be paid by him into the general fund provided for by section 331.

## Historical Notes

- St. 1900 c. 237 §5
- St. 1920 c. 140 §1
- St. 1952 c. 200 §1
- St. 1954 c. 366 §1
- St. 1955 c. 396

## §337

## TEACHERS' RETIREMENT FUND. ANNUITY UPON THIRTY YEARS' SERVICE

The collector-treasurer under the direction of the trustees, shall pay out of the general fund provided for by section 331, in monthly payments, such annuity as said general fund will allow and the

trustees shall determine, to any teacher who shall resign or be retired or discharged from the service of the city after having taught for thirty years at least ten of which shall have been in the public day schools of the city, except as hereinafter provided.

Historical Note

St. 1900 c. 237 §6

§338 TEACHERS' RETIREMENT FUND. ANNUITY UPON INCAPACITATION

Upon vote of the trustees, the collector-treasurer shall pay out of the general fund provided for by section 331, in monthly payments, such annuity as said general fund will allow and the trustees shall determine, to any teacher who has become incapacitated for teaching and has been discharged from the service of the city after having taught not less than two years in the public day school of the city although less than thirty years in the aggregate; provided, that a certificate of such incapacity is furnished to the trustees by the attending physician and by a physician employed by the trustees; and provided, further, that the annuity shall cease when the incapacity ceases.

Historical Note

St. 1900 c. 237 §7

§339 TEACHERS' RETIREMENT FUND. PREREQUISITE TO ANNUITY

No annuity shall be voted under either section 337 or section 338 unless at the time of the voting thereof the teacher has contributed to the general fund provided for by section 331 a sum equal to the aggregate of the amounts which, if he continued a teacher in the public day schools of the city for 30 years from the time he last became subject to this act, would be retained from his salary under section 5 of chapter 237 of the acts of 1960, as from time to time amended, and section 336; provided, however, that, if any teacher otherwise eligible for an annuity under either section 337 or section 338 shall be unable to pay, before receiving an annuity, so much of said sum as shall not have been retained from his salary under section 5 of chapter 237 of the acts of 1900, as from time to time amended, and under section 336, as the trustees may in their discretion make to such teacher such monthly payments as in the opinion of the trustees the needs of such teacher may require.

Historical Notes

St. 1900 c. 237 §9

St. 1954 c. 366 §2

St. 1955 c. 396

§340 TEACHERS' RETIREMENT FUND. UNIFORM ANNUITY

Except as provided in section 339, all annuities shall be uniform in amount, whether paid under section 337 or section 338.

Historical Note

St. 1900 c. 237 §8

## § 341

## TEACHERS' RETIREMENT FUND. REFUND OF CONTRIBUTIONS

Any teacher who shall resign or be retired or discharged from the service of the city after having sums retained from his salary for two years or more under section 336 or under section 5 of chapter 237 of the acts of 1900, as from time to time amended, and shall not be eligible for an annuity under sections 329 to 342, inclusive, shall, upon written application within one year after such resignation, retirement or discharge, receive one half of the total amount paid by him into the general fund provided for by section 331.

Whenever any teacher not in receipt of an annuity under sections 329 to 342, inclusive, shall die while in the service of the city after having sums retained from his salary for two years or more under section 336 or under section 5 of chapter 237 of the acts of 1900, as from time to time amended, any beneficiary nominated in accordance with the provisions of the following paragraph may for his own benefit or, if there is no such beneficiary, the legal representative of the estate of such teacher may for the benefit of said estate, apply in writing to the trustees within one year after the death of such teacher to receive one half of the total amount paid by such teacher into the general fund provided for by section 331. The trustees may, in their discretion, grant or deny such application in whole or in part. Upon the granting of such application, in whole or in part, by the trustees, such beneficiary for his own benefit or said representative for the benefit of said estate, as the case may be, shall be entitled to receive from said general fund, in full release and satisfaction of all claims and rights against the teachers' retirement fund, such sum, not exceeding one half of the total amount paid by such teacher into said general fund, as may be computed, fixed and granted by the trustees.

Any teacher in the service of the city, after having sums retained from his salary for two years or more under section 336 or under section 5 of chapter 237 of the acts of 1900, may, by a writing signed and acknowledged in the same manner as a deed and filed with the trustees prior to his death, nominate, and from time to time change, a beneficiary to receive any sum becoming payable under the preceding paragraph.

## Historical Notes

St. 1900 c. 237 §10

St. 1920 c. 140 §2

St. 1939 c. 186

St. 1954 c. 366 §3

St. 1955 c. 396

St. 1957 c. 505

## § 342

## TEACHERS' RETIREMENT FUND. EXEMPTION FROM TAXATION

The fund, so far as the same is invested in personal property, all rights in such fund, all rights to an annuity under sections 329 to 342, inclusive, such annuity itself, and that portion of the salary of any teacher reserved under section 336 or under section 5 of chapter 237 of the acts of 1900, as from time to time amended, shall be exempt from state and municipal taxation, including income taxes levied under chapter 62 of the General Laws.

## Historical Notes

St. 1900 c. 237 §10A

Sp. St. 1917 c. 327 §1

St. 1951 c. 468 §11



## §343 PERMANENT SCHOOL PENSION FUND. CONTINUATION

The school committee shall continue the Permanent School Pension Fund established under section 1 of chapter 589 of the acts of 1908 and continued under section 2 of chapter 468 of the acts of 1951 for the payment of pensions as set forth in sections 343 to 352, inclusive, to members retired under section 347, to persons retired under section 5 of said chapter 468, to persons retired under said chapter 589, as from time to time amended, and to any person granted a pension under section 4 of chapter 617 of the acts of 1910, as amended.

## Historical Notes

St. 1908 c. 589 §1

St. 1910 c. 617 §1

St. 1951 c. 468 §2

## §344 PERMANENT SCHOOL PENSION FUND. DEFINITIONS

As used in sections 343 to 352, inclusive, the following words and phrases shall, unless a different meaning is plainly required by the context, have the following meanings:--

"Fund", the permanent school pension fund established under section 1 of chapter 589 of the acts of 1908, continued under section 2 of chapter 468 of the acts of 1951, and further continued under section 343.

"Member", any member of the teaching or supervising staff of the public day schools of the city who on February 1, 1923, was, and continuously since then has been, in the service of the city and who, when this act takes effect, is neither a member of the Boston retirement system nor a member of the State-Boston retirement system nor a member of the contributory retirement system for teachers known under paragraph (a) of subdivision (2) of section 20 of chapter 32 of the General Laws as the teachers' retirement system.

"Service", employment on the teaching or supervising staff of the public day school. Any period of absence with salary shall be included as a period of service in computing length of service.

"Trustees", the trustees constituting the board having under section 345 the charge, control, care and investment of the fund.

The term "teaching or supervising staff", as used in this section, shall include the superintendent, assistant superintendents, supervisors, assistant supervisors, directors, assistant directors, principals and all other persons permanently employed in giving or supervising instruction.

The term "public day school", as used in this section and in section 350, shall include any continuation school maintained by the city under the provisions of section 21 of chapter 71 of the General Laws or corresponding provisions of earlier laws.

## Historical Notes

St. 1908 c. 589 §7

St. 1910 c. 617 §§3,5

Sp. St. 1919 c. 206 §6

St. 1920 c. 50 §§3,5

St. 1945 c. 685 §2

St. 1951 c. 468 §1

## §345 PERMANENT SCHOOL PENSION FUND. BOARD OF TRUSTEES

The charge, control, care and investment of the fund, including any gifts or legacies thereto and all sums paid thereto under section 4 of chapter 589 of the acts of 1908 prior to its amendment

by section 5 of chapter 206 of the Special Acts of 1919, shall be in a board of three trustees consisting of the chairman of the board of commissioners of sinking funds, ex officio, a person elected by the school committee, and a person elected by the board of trustees of the teachers' retirement fund continued under section 329. The elective trustees in office when this act takes effect shall serve, in the case of the trustee elected by the school committee, for a term expiring July 1, 1953, and, in the case of the other elective trustee, for a term expiring July 1, 1957. As the term of any elective trustee in office when this act takes effect, or of any subsequent elective trustee, expires, his successor shall be elected in like manner as such trustee for a term of five years. Any vacancy in the office of an elective trustee shall be filled in the same manner for the unexpired term. Every elective trustee shall continue after the expiration of his term to hold office until the qualification of his successor. The election of a successor to a trustee holding over after the expiration of his term shall be for the remainder of the term which would have begun at such expiration if the successor had then been elected. All trustees shall serve without compensation.

The secretary of the school committee shall be the secretary of the trustees and shall have the custody of all records, documents and papers relating to the fund. The trustees shall keep a record of their proceedings, and shall annually on the first day of February, or as soon thereafter as may be, make a written report to the school committee of the amount and condition of the fund and of the income thereof for the preceding fiscal year of the city. All records, documents and papers relating to the fund and all records of the proceedings of the trustees and all securities of the fund shall at all times be subject to the inspection of the school committee.

#### Historical Notes

St. 1908 c. 589 §§2,3

St. 1951 c. 468 §3

### §346

#### PERMANENT SCHOOL PENSION FUND. INVESTMENT OF FUND

The trustees shall have power to invest and reinvest the fund in securities in which the funds of savings banks in the commonwealth may by law be invested, excepting personal securities, and to sell such securities from time to time and invest and reinvest the proceeds thereof and any and all unappropriated income of the fund. The city treasurer shall be the custodian of all securities and money belonging to the fund and shall be responsible for the safe custody thereof. He shall forthwith invest any money of the fund in such securities authorized by this section as the trustees may direct and upon such terms as they may specify; shall, whenever any of such securities are sold by the trustees, deliver the securities so sold upon receiving the proceeds thereof; and shall, on such conditions and at such rates of interest as the trustees may approve, deposit temporarily in national banks doing business in the city, or in trust companies organized under the laws of the commonwealth and doing a banking business in the city, any money belonging to the fund which, in the opinion of the trustees, it is inexpedient for the time being to invest in securities authorized by this section.

#### Historical Notes

St. 1908 c. 589 §3

St. 1951 c. 468 §4

### §347

#### PERMANENT SCHOOL PENSION FUND. RETIREMENT OF MEMBERS

The school committee, by a majority vote of all its members, may retire with a pension any

member who shall have attained the age of sixty, and also any member who, in the opinion of said committee, is incapacitated for

Historical Notes

- St. 1908 c. 589 §7
- St. 1910 c. 617 §3
- Sp. St. 1919 c. 206 §6
- St. 1945 c. 685 §2
- St. 1948 c. 602 §2
- St. 1951 c. 468 §5

§348

PERMANENT SCHOOL PENSION FUND. AMOUNT OF PENSION

The pension payable to any member retired under section 347 shall be as follows:--If the member shall have been retired after service for a period aggregating thirty years or more, ten of which shall have been in the employ of the school committee, such member shall receive an annual pension of two thousand dollars. If the member shall have been retired after service for a period aggregating less than thirty years, ten of which shall have been in the employ of the school committee, such member shall receive an annual pension which bears the same ratio to two thousand dollars as the total number of years of service of such member bears to thirty; provided, that the annual pension of such member shall be not less than twelve hundred dollars.

Historical Notes

- St. 1908 c. 589 §§6,7
- Sp. St. 1915 c. 304 §1
- Sp. St. 1919 c. 206 §6
- St. 1928 c. 382 §3
- St. 1945 c. 685 §§1,2
- St. 1948 c. 602 §§1,2
- St. 1951 c. 468 §6
- St. 1955 c. 594 §1
- St. 1959 c. 370 §1

§349

PERMANENT SCHOOL PENSION FUND. RE-ESTABLISHMENT OF CERTAIN PENSIONS

The amount of the pension of every person retired before the effective date of this act<sup>1</sup> under chapter 589 of the acts of 1908, as from time to time amended, and of every person retired under chapter 370 of the acts of 1959 prior to September 1, 1959, shall be re-established in accordance with the provisions of section 348 to date from said September first; and the amount of the pension of every person granted a pension before the effective date of chapter 370 of the acts of 1959<sup>1</sup> under section 4 of chapter 617 of the acts of 1910, as amended, shall be re-established at the minimum amount payable under the last sentence of section 348 to date from said September first. Nothing in this act as amended shall be construed to decrease the amount of any pension now being paid to any person; nor shall anything in section 343 to 352, inclusive, be construed to diminish the reimbursements provided for by section 2 of chapter 674 of the acts of 1947 and paragraph (c) of subdivision (2) of section 20 of chapter 32 of the General Laws; provided, that no such reimbursement shall be made with respect to any pension increase resulting from the enactment of sections 6 and 7 of chapter 468 of the acts of 1951, or from



the enactment of chapter 594 of the acts of 1955.

#### Historical Notes

- St. 1908 c. 589 §7
- St. 1910 c. 617 §3
- Sp. St. 1919 c. 206 §6
- St. 1945 c. 685 §2
- St. 1948 c. 602 §2
- St. 1951 c. 468 §§7,16
- St. 1955 c. 594 §§1,2
- St. 1959 c. 370
- St. 1960 c. 713 §§2,3
- 1. September 1, 1959

### §350 PERMANENT SCHOOL PENSION FUND. RESTORATION TO ACTIVE SERVICE

The pension of any person retired because of incapacity under section 347, or under chapter 589 of the acts of 1908, as from time to time amended, or under section 5 of chapter 468 of the acts of 1951, shall terminate if, and when, in the judgment of the school committee such person's incapacity shall have ceased and he shall have been tendered a reappointment in the public day schools of the city.

#### Historical Notes

- St. 1908 c. 589 §7
- St. 1910 c. 617 §3
- Sp. St. 1919 c. 206 §6
- St. 1945 c. 685 §2
- St. 1948 c. 602 §2
- St. 1951 c. 468 §8

### §351 PERMANENT SCHOOL PENSION FUND. PAYMENTS OF PENSIONS

Pensions provided for by section 348 and 349 shall be paid by the collector-treasurer in accordance with monthly pay rolls prepared and certified to by the school committee. Sums payable by the commonwealth to the city under paragraph (c) of subdivision (2) of section 20 of chapter 32 of the General Laws with respect to teachers retired under section 347, or under chapter 589 of the acts of 1908, as from time to time amended, or under section 5 of chapter 468 of the acts of 1951 shall, notwithstanding the provisions of section 53 of chapter 44 of the General Laws, be available without appropriation for the payment of such pensions; and payment of such pensions shall be made first out of such sums so available, second out of unexpended accrued income of the fund, third out of the principal of the fund, and the balance, if any, out of amounts appropriated under the provisions of Title 15, chapter 1, or corresponding provisions of earlier laws, for the purposes of clause (d) of said title and chapter, or corresponding provisions of earlier laws.

#### Historical Notes

- St. 1908 c. 589 §7
- St. 1910 c. 617 §3

Sp. St. 1916 c. 289 §1  
Sp. St. 1919 c. 206 §6  
St. 1924 c. 249 §1  
St. 1928 c. 382 §4  
St. 1945 c. 685 §2  
St. 1948 c. 602 §2  
St. 1951 c. 468 §9  
St. 1955 c. 298 §1

§352 PERMANENT SCHOOL PENSION FUND. EXEMPTION FROM TAXATION

The fund, so far as the same is invested in personal property, all rights in such fund, all rights to a pension under sections 343 to 352, inclusive, and such pension itself, shall be exempt from state and municipal taxation, including income taxes levied under chapter 62 of the General Laws.

Historical Notes

Sp. St. 1917 c. 327 §1  
St. 1951 c. 468 §10

§353 NONCONTRIBUTORY PENSIONING OF CUSTODIANS AND SUPERVISORS OF ATTENDANCE IN SCHOOL DEPARTMENT

The school committee may retire at an annual pension, any janitor or attendance officer in the service of the school department who at the time of retirement has completed a period of not less than twenty-five years in said service, attained age sixty, and become physically incapacitated. The amount of the annual pension of any person retired under this section shall be one half the compensation to which he would have been entitled for full employment during the last year of his service; but in no case shall such pension exceed five hundred dollars a year, and in the case of a janitor the rate of pension shall be based upon his net compensation as determined by the school committee.

Historical Notes

Sp. St. 1916 c. 257 §§1,2  
Sp. St. 1917 c. 146  
Sp. St. 1919 c. 132

§354 NONCONTRIBUTORY PENSIONING OF CERTAIN SUPERANNUATED MEMBERS OF THE FIRE DEPARTMENT

The fire commissioner shall, at the request of any member of the fire department of the city who at the time of such request has attained age fifty-five and performed service in said department for a period of not less than twenty-five years, retire such member at an annual pension, to be paid by the city, equal to one half of the annual compensation received by such member at the time of his retirement.

Historical Note

St. 1913 c. 800 §§1,2

§355      NONCONTRIBUTORY PENSIONING OF CERTAIN DISABLED MEMBERS OF FIRE DEPARTMENT

The fire commissioner, with the approval of the mayor, may retire at an annual pension to be paid by the city any member of the fire department of the city who at the time of such retirement has become disabled while in the actual performance of duty, or who at such time has performed faithful service in the department for a period of not less than fifteen consecutive years. Any member of said department may be so retired when it shall be certified in writing to the fire commissioner by the medical board provided for by section 252 that such member is permanently incapacitated, either mentally or physically, from performing his duties as a member of the department. If said medical board certifies in writing that the member is totally and permanently incapacitated for further performance of duty as a member of the department as the natural and proximate result of an accident or of undergoing a hazard peculiar to his employment in the performance and within the scope of his duty, without contributory negligence on his part, the amount of his annual pension shall be two thirds of the annual compensation allowed to men of the grade held by him. The amount of the annual pension of members of the permanent force who are otherwise disabled or who have served fifteen years shall be an amount not exceeding one half of the annual salary or compensation of the office from which said members are retired.

Historical Notes

- St. 1880 c. 107 §1
- St. 1888 c. 174 §1
- St. 1891 c. 404 §1
- St. 1892 c. 347 §1
- St. 1939 c. 237 §1

§356      ANNUAL EXAMINATION OF DISABLED MEMBERS OF FIRE DEPARTMENT RECEIVING NONCONTRIBUTORY PENSIONS

Once each year the fire commissioner shall require every retired member of the fire department of the city receiving from the city a pension on account of disability under any law other than chapter 521 of the Acts of 1922 providing for the retirement and pensioning of any fireman of the city, if under age fifty-five, to submit to an examination by the medical board provided for by section 402 at a time and place designated by it or, in case of residency without the commonwealth, to an examination by a physician designated by the board. The board by itself or by such physician in the case aforesaid shall make such examination and upon completion thereof shall report and certify to the fire commissioner whether or not the retired member is physically and mentally fit for service in the department and of the rank or grade held by him when he was retired. If the board shall report and certify to the fire commissioner that the retired member is physically and mentally fit for service as aforesaid, the fire commissioner shall restore him to the fire department in the first vacancy occurring in the grade held by him when he was retired, and shall send him written notice when and where to report for duty; and upon so reporting for duty his pension shall cease, and he shall again become eligible to the benefits of the law under which he was formerly retired and shall not be subject to the laws pertaining to the State-Boston retirement system. If said retired member fails to submit to such examination or to return to duty as required by said notice, his pension shall cease.

Historical Notes

- St. 1920 c. 60 §1
- St. 1927 c. 257 §1



§357      **RENDITION BY RETIRED MEMBERS OF FIRE DEPARTMENT OF TEMPORARY SERVICE  
IN EMERGENCIES**

The fire commissioner may, in an emergency, call upon any pensioned fireman for such temporary service in said department as he may be able to perform. During such service such retired member of said department shall be entitled, in lieu of his pension to the full pay of the position to which he is temporarily appointed. Upon the termination of such service, such retired member of said department shall again receive his former pension.

Historical Note

St. 1920 c. 60 §2

§358      **MEMBER OF FIRE DEPARTMENT TO INCLUDE MEMBER OF FIRE ALARM SERVICE**

As used in sections 354 to 357, inclusive, all provisions of the law relative to the pensioning of members of the fire department shall apply to the superintendent, the assistant superintendent and chief operator, the operators and assistant operators, the foremen of construction and the construction force of the fire alarm service.

Historical Note

St. 1914 c. 519 §1

§359      **NONCONTRIBUTORY PENSIONING OF CERTAIN MEMBERS OF POLICE DEPARTMENT**

The police commissioner shall, at the request of any member, engineer, or fireman of the police department in good standing who has arrived at the age of sixty years and who has performed active service in the department for twenty-five consecutive years, retire him from active service, and place him upon a pension roll, and may retire from such service and place upon a pension roll any member of the police department who has performed faithful service in the department for a period of not less than twenty years, and who shall be certified to the commissioner in writing, by the medical board provided for by section 252, to be incapacitated for useful service on said force, and shall retire from such service and place upon a pension roll any member of said force who has arrived at the age of sixty-five years, or any member who shall be certified to the commissioner in writing, by said medical board, to be permanently incapacitated, either mentally or physically, by injury sustained in the actual performance of duty, from further performing duty as such member; provided, however, that no member of said force nor any engineer or fireman of said department shall be retired under this section unless his retirement is approved in writing by the mayor after receipt from the police commissioner of a certificate stating that such member, engineer or fireman is in good standing and that no charges are pending against him. Such a certificate shall not be made by the police commissioner until after the expiration of ten days from the institution of retirement proceedings under this section, during which period the police commissioner or a lieutenant or other officer of higher rank in said department authorized so to do, may prefer charges against such member, engineer or fireman.

The amount of the annual pension of any person retired under this section who is certified to be permanently incapacitated by injury sustained in the actual performance of duty, or who is certified to be incapacitated for useful service on said police force and at the time of retirement has served on said force for not less than twenty-five years in the case of a veteran of World

War I or World War II or for not less than thirty years in the case of one who is not such a veteran, shall be two thirds of the annual compensation allowed to men of the grade held by such person at his retirement; and the amount of the annual pension of any other person retired under this section shall be one half of the annual compensation allowed to men of the grade held by such person at his retirement.

#### Historical Notes

- St. 1878 c. 244 §5
- St. 1879 c. 97 §1
- St. 1883 c. 14
- St. 1887 c. 178 §§1,3
- St. 1892 c. 353 §§1,2
- St. 1893 c. 51 §1
- St. 1900 c. 306 §§1,2
- St. 1903 c. 312 §1
- St. 1920 c. 6 §1
- St. 1930 c. 387 §§1,3
- St. 1945 c. 446 §1
- St. 1946 c. 265 §1

### §360

#### ANNUAL EXAMINATION OF DISABLED POLICE OFFICER RECEIVING NONCONTRIBUTORY PENSIONS

Once each year the police commissioner shall require every retired member of the police force receiving from the city a pension on account of disability, if under any law, other than chapter 521 of the acts of 1922, providing for the retirement and pensioning of any police officer of the city, if under age fifty-five, to submit to an examination by the medical board provided for by section 402 at a time and place designated by it or, in case of residency without the commonwealth, to an examination by a physician designated by said board. Said board by itself or by such physician in the case aforesaid shall make such examination and upon completion thereof shall report and certify to the police commissioner whether or not said retired member is physically and mentally fit for service on said force and of the same rank or grade held by him when he was retired. If said board shall report and certify to the police commissioner that said retired member is physically and mentally fit for service as aforesaid, the police commissioner shall restore him to said police department in the first vacancy occurring in the same rank or grade held by him when he was retired, and shall send him written notice when and where to report for duty; and upon so reporting for duty his pension shall cease, and he shall again become eligible to the benefits of the law under which he was formerly retired and shall not be subject to the provisions of said chapter 521. If said retired member fails to submit to such examination or to return to duty as required by said notice, his pension shall cease.

#### Historical Note

- St. 1929 c. 3

### §361

#### RENDITION BY RETIRED POLICE OFFICERS OF TEMPORARY SERVICE IN EMERGENCIES

The board of police is hereby authorized, in case of emergency, to call upon any person so pensioned for such temporary service in the department as he may be fit to perform, and during such service he shall be entitled to full pay.

#### Historical Notes

- St. 1892 c. 353 §4
- St. 1900 c. 306 §3

§362 MEMBER OF POLICE FORCE TO INCLUDE MEMBER OF POLICE SIGNAL SERVICE

All provisions of law relative to the pensioning of members of the police department shall hereafter apply to members of the police signal service.

Historical Note

St. 1904 c. 402 §1

§363 NONCONTRIBUTORY PENSIONING OF LABORERS

There shall be a retirement board for the laborers employed by the city, consisting of the mayor, the auditor, and the treasurer of the city, who shall discharge the duties hereby imposed without additional compensation.

Any laborer employed by the city who has reached the age of sixty years and who has been in the service of the city for a period of not less than twenty-five years, and who is physically incapacitated, shall, at his request and with the approval of the retirement board above provided for, be retired from service. It shall be the duty of the board so to retire any laborer in the service of the city who has reached the age of seventy years and has served the city for a period of not less than twenty-five years; provided, however, that the retirement board may, upon the request of the mayor and the city council, retire any laborer employed by the city who has been in the service of the city continuously for a period of not less than fifteen years and who, owing to injury, physical incompetency, old age or infirmity, may be incapacitated from further performance or discharge of his duty or labor.

A laborer retired under the provisions of this section shall, if at the time of retirement he has attained age sixty-five and has been in the service of the city for a period of not less than thirty-five years, receive for the remainder of his life an annual pension of fifteen hundred dollars, otherwise, of twelve hundred dollars.

Historical Notes

St. 1911 c. 56 §1

St. 1911 c. 413 §§1,2

St. 1913 c. 367 §§1,2

St. 1914 c. 765 §1

Sp. St. 1915 c. 63 §1

Sp. St. 1919 c. 55 §1

St. 1949 c. 377 §1

St. 1954 c. 420 §1

§364 RETIREMENT FOR SUPERANNUATION WITHOUT PENSION

On and after January 1, 1926, the services of an employee, not a veteran of the Civil War, of the Spanish War or the Philippine Insurrection or the World War as defined in section 56 of chapter 32 of the General Laws, or not a member of the judiciary or not a teacher, who attains or has attained the age of seventy and who is not a member of this system, shall terminate forthwith.

Historical Note

St. 1922 c. 521 §5



## § 365 INCREASING BENEFITS PAID TO WIDOWS OF CERTAIN BOSTON POLICE OFFICERS

For the purpose of promoting the public good, the city is hereby authorized to provide for the election, by a widow of a Boston police officer shot and killed in the line of duty prior to 1949, of a pension for her life, for as long as she remains unmarried, equal to fifty percent of the compensation said deceased officer would have received had he continued to serve in the position which he held at the time of death; provided, however, that such salary shall be the maximum for his grade even though said deceased officer may not have reached such maximum grade.

Historical Note

St. 1975 c. 624



Chapter 7 -- Retirement Board

(Prepared by J. Edward Keefe, Assistant Corporation Counsel  
and Alison Chalmers, Legal Assistant)

Sec.

400 Boston Retirement Board  
401 Personnel and Expenses  
402 Medical Board

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§400 BOSTON RETIREMENT BOARD

The board managing the State-Boston retirement system which became operative in the city on October 1, 1946, under chapter 32 of the General Laws insofar as the system relates to the city shall be known as the Boston Retirement Board.

## Historical Note

St. 1947 c. 520 §1

## Cross Reference

G.L. c. 32 §20

§401 PERSONNEL AND EXPENSES

The Boston Retirement Board shall employ an executive officer and such actuarial, clerical and other assistants as may be necessary for the proper operation of the Boston Retirement system and the State-Boston retirement system. The funds to meet the cost of administering the retirement system established by this chapter shall be derived from appropriations of the city of Boston within the statutory tax limit. The retirement board shall, like other departments of the city, submit a budget to the mayor not later than February first of each year.

## Historical Note

St. 1922 c. 521 §4

## Cross References

G.L. c. 32 §20

Title 6, chapter 15

§402 MEDICAL BOARD

There shall be in the office of the Boston Retirement Board a medical board consisting of three registered physicians, of whom one shall be a surgeon, one a medical practitioner, and one a neurologist, appointed by the trustees of the city hospital on nominations made by the senior medical staff of said hospital, one of whom shall be appointed for one year, one for two years and one for three years and thereafter as the terms of office expire in each year one member for three years.



The compensation of the members of the medical board shall be fixed by the retirement board with the approval of the mayor. The medical board shall arrange and pass upon all medical examinations required under the provisions of sections 304 - 328 and shall report in writing to the retirement board its conclusions and recommendations thereon.

Historical Note

St. 1922 c. 521 §18

Cross Reference

G.L. c. 32 §6

## TITLE 6

## GENERAL SERVICES

Chap.		Sec.
1	Auditing Department . . . . .	1
3	Assessing Department . . . . .	100
5	Treasury Department . . . . .	200
	Sinking Fund Commission	
7	Appropriations and Loans . . . . .	250
9	Finance Commission . . . . .	300

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Chapter 1 -- Auditing Department

(Prepared by Mack K. Greenberg, Assistant Corporation Counsel  
and Alison Chalmers, Legal Assistant)

Sec.	
1	Subordinates Subject to Civil Service Laws
2	Monthly Statements
3	Duties of City Auditor with Respect to Annual Lists of Officials and Employees

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[See Ordinances and Regulations. Under the authority of St. 1953 c. 473, the auditing department is regulated primarily by ordinance. See Rev. Ord. 1961 c.6. For general background concerning city auditors see G.L. c.41 §§48-54A. G.L. c.35 §42 provides that the city auditor shall also be the auditor of Suffolk County. See Statutes, Title 15 §13 for the auditor's duties in respect to the School Committee. ]

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## §1 SUBORDINATES SUBJECT TO CIVIL SERVICE LAWS

All positions, including all county positions, in the auditing department, the salaries of which are paid from appropriations for the county of Suffolk, shall be subject to the civil service laws and rules and regulations, and the tenure of office of any incumbents of the positions shall be unlimited, subject, however, to said laws.

### Historical Note

St. 1945 c. 495 §1

## §2 MONTHLY STATEMENTS

The auditor shall furnish monthly to each head of department a statement of the unexpended balance of the appropriation for that department, and he shall furnish to the mayor and city council a statement of the unexpended balances of all the departments. He shall furnish quarterly to the city council an itemized statement showing the amount of money expended by the mayor and the city council for contingent expenses.

## Historical Note

St. 1909 c. 486 §25

## Cross Reference

G.L. c. 41 §58

## §3 DUTIES OF CITY AUDITOR WITH RESPECT TO ANNUAL LISTS OF OFFICIALS AND EMPLOYEES

Every officer and board in charge of a department of the city or county shall, on or before the sixth day of February in each year, prepare and furnish to the city auditor a list of the officials and employees under said officer or board and paid by the city or county on the first day of such February. Such list shall give the name, residence by street and ward, designation, compensation, and date of election or appointment of each of the officials and employees and the date when each first entered the employ of the city or county. It shall be the duty of the city auditor to verify the lists by the pay rolls and to keep a copy of the lists open for public inspection, and to prepare and publish in the City Record on or before the tenth day of April in each year a comparative table containing the number of such officials and employees holding office or employed in each such department or board and paid by the city or county on the compilation date in each of the ten years next preceding such publication. The term "compilation date", as herein used, shall be construed to mean, with respect to the year 1951 or any prior year, the first day of January, and with respect to the year 1952 or any subsequent year, the first day of February.

## Historical Notes

St. 1909 c. 486 §27

Sp. St. 1919 c. 168 §1

St. 1922 c. 133 §1

St. 1938 c. 263 §1

St. 1951 c. 111



Chapter 3 -- Assessing Department

(Prepared by Joseph Dalton, Assistant Corporation Counsel  
and Alison Chalmers, Legal Assistant)

## Sec.

100	Deputy Assessors
101	Assistant Assessors
102	Head Administrative Clerk and Other Personnel
103	Administration of Certain Oaths
104	Assessment of County Taxes
105	Duty to Add Deficit in Receipts in Assessing Subsequent Year's Tax
106	Duty to Add Overlay in Assessing Tax
107	Limitations on Power to Deduct Estimated Receipts in Assessing Taxes

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See Ordinances and Regulations. By Ord. 1961 c. 1, §4 (Rev. Ord. 1961 c. 5) and under the authority of St. 1953 c. 473, the assessors office has from time to time been reorganized. For historical background concerning the assessing department see St. 1802 c. 7 §2; St. 1821 c. 110 §15; St. 1854 c. 448 §37; St. 1884 c. 123 §1; Sp. St. 1918 c. 93 §12; St. 1921 c. 283 §1; St. 1928 c. 100 §1; St. 1937 c. 190 §1; St. 1949 c. 393 §1; St. 1951 c. 601 §1; St. 1952 c. 212 §4. See also G.L. c. 41 §24. Appointment of five deputy assessors was originally provided through a series of acts. For historical background see Sp. St. 1918 c. 93 §3; St. 1920 c. 92 §1; St. 1922 c. 6 §1; St. 1929 c. 49 §1; St. 1945 c. 263 §1; St. 1949 c. 313 §1; St. 1951 c. 601 §2; St. 1952 c. 212 §5. Powers and duties formerly enumerated in Sp. St. 1918 c. 93 §1 and St. 1938 c. 257 §1 were superseded by Rev. Ord. 1961 c. 5. Ordinances for further reorganization are now pending before the City Council.

## §100

## DEPUTY ASSESSORS

The mayor shall appoint for an indeterminate term, under the laws and rules governing the classified civil service of the commonwealth five deputy assessors and such appointees shall hold office in accordance with such laws and rules. Appointments to fill vacancies shall be made in like manner. Each deputy assessor shall perform such duties as the board of assessors may prescribe and shall receive an annual salary of sixty-two hundred and sixty dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor.

## Historical Notes

- Sp. St. 1918 c. 93 §3
- St. 1920 c. 92 §1
- St. 1922 c. 6 §1
- St. 1929 c. 49 §1
- St. 1945 c. 263 §1
- St. 1949 c. 313 §1
- St. 1951 c. 601 §2
- St. 1952 c. 212 §5

## §101 ASSISTANT ASSESSORS

The board of assessors may, subject to the approval of the mayor, appoint and remove such assistant assessors as the work of the department requires, and each assistant assessor shall receive annually such sum as shall be fixed by the mayor and city council by ordinance as compensation for such service as the board of assessors may prescribe. Such appointments may be made from persons now serving as first assistant assessors or who have within six years of the passage of chapter 96 of the acts 1920 so served, or from the civil service list of persons eligible.

## Historical Notes

St. 1802 c. 7 §2  
St. 1821 c. 110 §15  
St. 1854 c. 448 §37  
St. 1884 c. 123 §1  
St. 1885 c. 266 §2  
St. 1894 c. 276 §1  
St. 1898 c. 227 §1  
St. 1901 c. 400 §1  
St. 1913 c. 484 §1  
Sp. St. 1918 c. 93 §§4,4A  
St. 1920 c. 96  
St. 1931 c. 114

## §102 HEAD ADMINISTRATIVE CLERK AND OTHER PERSONNEL

The board of assessors may also, subject to the approval of the mayor, appoint and fix the compensation of a head clerk, and such other clerks and employees as may be found necessary.

## Historical Notes

Sp. St. 1918 c. 93 §4  
St. 1920 c. 96

## §103 ADMINISTRATION OF CERTAIN OATHS

The oath required of a person, firm or corporation bringing in the lists specified in section 41 of Part I of chapter 490 of the acts of 1909 and in the amendments thereof, may be administered by any of the board of assessors, by any of the deputy assessors, or by the head clerk, or by any notary public whose jurat shall be duly authenticated by his seal or said oath may be administered in this commonwealth by a justice of the peace.

## Historical Notes

Gen. St. 1916 c. 294 §2  
Sp. St. 1918 c. 93 §6

## Cross Reference

G.L. c. 59 §§29,31

## §104 ASSESSMENT OF COUNTY TAXES

In the city all taxes assessed for county or city purposes may be assessed separately as county taxes and as city taxes, or under the name of city taxes only, as the city council shall direct. The city of Chelsea and the towns of Revere and Winthrop shall not be taxed for county purposes.

## Historical Notes

St. 1821 c. 109 §13  
Mass. Rev. St. c. 7 §26  
Gen. St. of Mass. c. 11 §30  
Mass. Pub. St. c. 11 §47  
R.L. c. 12 §53  
St. 1909 c. 490, Part I §52

## Cross Reference

G.L. c. 59 §26

## §105 DUTY TO ADD DEFICIT IN RECEIPTS IN ASSESSING SUBSEQUENT YEAR'S TAX

In the year 1958 and in each year thereafter, whether or not any loan issued under authority of section 1 of chapter 717 of the acts of 1957, is outstanding, the assessors, in computing under section 23 of chapter 59 of the General Laws the amount for which taxes are to be assessed in such year shall include the amount which the director of accounts shall determine and certify before May first in such year to be the amount, not otherwise provided for, by which the estimated receipts deducted in computing under said section the annual assessment in the year next preceding such year exceeded actual receipts during such preceding year.

## Historical Note

St. 1957 c. 717

## §106 DUTY TO ADD OVERLAY IN ASSESSING TAXES

For the purpose of avoiding fractional divisions of the amount to be assessed in the apportionment thereof, and of providing for abatements granted on account of taxes assessed, the assessors shall, in the current year and in each year thereafter, whether or not any loan issued under authority of section 1 of chapter 717 of the acts of 1957 is outstanding, add to the amount to be assessed in such year an overlay of not less than five per cent thereof nor more than six per cent thereof; provided, that should the amounts authorized to be borrowed under said section 1 be inadequate for the purposes specified in section 2 of said chapter 717, or should the amount which said assessors are required by this section to add to the amount to be assessed be inadequate in any year for the purposes specified in this section, said assessors shall add to the amount to be assessed in the following year such additional amount as may be required to meet fully all of such purposes.

## Historical Notes

St. 1909 c. 490, Part I §54  
St. 1913 c. 832 §1  
St. 1918 c. 257 §37  
St. 1957 c. 717 §5

## Cross Reference

G.L. c. 59 §25



## §107

## LIMITATIONS ON POWER TO DEDUCT ESTIMATED RECEIPTS IN ASSESSING TAXES

In the year 1958 and in each year thereafter, whether or not any loan issued under authority of section 1 of chapter 717 of the acts of 1957 is outstanding, unless otherwise provided by an act hereafter passed in express amendment hereof or express addition hereto, deductions made by the assessors under clause (a) of section 23 of chapter 59 of the General Laws on account of estimated receipts, other than those estimated by the state tax commission, any provision of said section 23 to the contrary notwithstanding, shall be approved by the commission and shall not exceed the aggregate amount of actual receipts received during the preceding financial year from the same sources, as certified to the commission by the city auditor on or before the first day of March in such year; provided, however, that anything in this section to the contrary notwithstanding, deductions may be made on account of estimated receipts for general health supplies, care, services and accommodations up to such amounts as the rate setting commission in the executive office for administration and finance shall approve as likely to be received during the year.

## Historical Notes

St. 1957 c. 717 §4A

St. 1969 c. 909

Chapter 5 --Treasury Department

(Prepared by Mack K. Greenberg, Assistant Corporation Counsel  
and Richard F. McQuaid, Legal Assistant)

Sec.

- 150 Subordinates Subject to Civil Service Laws
- 151 Maintenance of Cemeteries
- 152 Collective Bargaining
- 153 Cancellation of Claims or Debts; Abatement of Taxes
- 154 Execution and Delivery of Instruments to Convey City Real Estate
- Sinking Fund Commission
- No Statutes. See Ordinances and Regulations

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See Ordinances and Regulations. By Ordinances 1954 c. 6 (Rev. Ord. 1961 c. 25 §§1,2) and under the authority of St. 1953 c. 473, the Collecting Department (established pursuant to St. 1875 c. 176) was reorganized as a division of the Treasury Department. For historical background concerning the Collecting Department see St. 1802 c. 7 §3, St. 1803 c. 15 §§1,2, St. 1807 c. 134, St. 1813 c. 62, St. 1875 c. 176 §2, St. 1909 c. 266 §§1,2, St. 1934 c. 353 §1. The Treasury Department is now primarily regulated by ordinances. For historical background concerning the Treasury Department see St. 1802 c. 7 §3, St. 1813 c. 62, St. 1821 c. 110 §18, St. 1854 c. 448 §42, St. 1875 c. 176 §1, St. 1885 c. 266 §1, St. 1943 c. 434 §7. For the powers and duties of the Collector-Treasurer in regard to Suffolk County see G.L. c. 35 §1. See also G.L. c. 60 §34.

§ 150

SUBORDINATES SUBJECT TO CIVIL SERVICE LAWS

All appointments to positions in the treasury department of the city including the county employees in the department shall hereafter be made subject to the civil service laws, rules and regulations.

Historical Notes

St. 1913 c. 672

Rev. Ord. 1961 c. 25 §1

§ 151

MAINTENANCE OF CEMETARIES

The city, acting by its collector-treasurer, shall set up and maintain as a fund, separate from all other money and accounts of the city, all sums hereafter received by the city in the management of cemeteries owned by it or in its charge, excluding deposits for perpetual care but including proceeds from the sales of lots or rights of burial, charges paid for the opening of graves, the construction of monument foundations, and the use of cemetery facilities and devices, and interest and income from the investment of the fund. The fund shall be placed at interest or invested by the collector-treasurer in conformity with section 54 of chapter 44 of the General Laws

notwithstanding the provisions of the last sentence thereof. The city, acting as aforesaid, shall forthwith transfer to the fund all moneys now held under chapter 117 of the acts of 1913, including all unappropriated income therefrom. Annually or oftener sums may be appropriated out of the fund pursuant to the provisions of section 3 of chapter 486 of the acts of 1909 to defray in whole or in part so much of the expenses of maintaining, improving and embellishing the cemeteries as is not met by the income of deposits for perpetual care.

#### Historical Notes

St. 1913 c. 117

St. 1961 c. 13 §1

### § 152

#### COLLECTIVE BARGAINING

(a) City. To assure that all employees of the city shall be adequately represented by their respective recognized or designated exclusive bargaining agents in bargaining collectively on questions of wages, hours and other conditions of employment, the collector-treasurer of the city shall deduct from each payment of salary made to each such employee during the life of a collective bargaining agreement so providing, and pay over to the exclusive bargaining agent of such employee, as an agency service fee, such sum, proportionately commensurate with the cost of collective bargaining and contract administration, as the collective bargaining agreement shall state; provided, however, that such sum shall not be deducted from any payment of salary until such collective bargaining agreement has been formally executed pursuant to a vote of a majority of all employees in the bargaining unit.

(b) County. To assure that all employees of the county of Suffolk shall be adequately represented by their respective recognized or designated exclusive bargaining agents in bargaining collectively on questions of wages, hours and other conditions of employment, the county treasurer shall deduct from each payment of salary made to each such employee during the life of a collective bargaining agreement so providing, and pay over to the exclusive bargaining agent of such employee, as an agency service fee, such sum, proportionately commensurate with the cost of collective bargaining and contract administration, as the collective bargaining agreement shall state; provided, however, that such sum shall not be deducted from any payment of salary until such collective bargaining agreement has been formally executed pursuant to a vote of a majority of all employees in the bargaining unit.

#### Historical Note

St. 1969 c. 335 §1

### § 153

#### CANCELLATION OF CLAIMS OR DEBTS; ABATEMENT OF ASSESSMENTS OR TAXES

The collector-treasurer of the city may, at any time, give notice in writing to the auditor of the city that a claim which accrued, or a debt, assessment or tax which became due and payable, to the city not less than seven years prior to his giving the notice, is in his opinion uncollectable or that collection would not be advisable because of the expense which it might entail. The auditor upon receipt of such notice may order the cancellation of such claim or debt or the abatement of such assessment or tax, which order, if approved by the mayor of the city, shall be delivered to the collector-treasurer in the case of a claim or debt or to the board or department which levied such assessment or tax in the case of an assessment or tax; whereupon the collector-treasurer



or such board or department, as the case may be, shall forthwith cancel the claim or debt or abate the assessment or tax described in such order. Upon the cancellation of such claim or debt or the abatement of such assessment or tax the collector-treasurer, to the extent that he may have been charged with the collection thereof, shall be discharged from further obligation to collect the same; provided, however, that nothing in this act shall authorize the abatement of any assessment or tax which is a lien on real estate; and provided, further, however, that nothing herein contained shall affect the provisions of section 8 of chapter 58 and sections 71 and 72 of chapter 59 of the General Laws.

#### Historical Notes

Sp. St. 1916 c. 291 §1  
St. 1934 c. 353 §1  
Rev. Ord. 1961 c. 25 §1

#### Cross References

G.L. c. 58 §8  
G.L. c. 59 §§71,72

### § 154

#### EXECUTION AND DELIVERY OF INSTRUMENTS TO CONVEY CITY REAL ESTATE

The collector-treasurer of the city shall, in the name and on behalf of the city, execute and deliver any instrument necessary to convey any interest of the city under any provision of chapter 434 of the acts of 1943.

#### Historical Notes

St. 1943 c. 434  
Rev. Ord. 1961 c. 25 §1

#### Cross Reference

Statutes, Title 3  
Statutes, Title 11 §357

#### Sinking Fund Commission

[See Ordinances and Regulations. See also G.L. c. 41 §44; St. 1949 c. 572 §3(e); St. 1928 c. 174]

Chapter 7 - Appropriations and Loans

(Prepared by Mack K. Greenberg, Assistant Corporation Counsel  
Richard McQuaid, Legal Assistant  
and Thomas H. Martin, Assistant Corporation Counsel)

Sec.

250	City Budget Estimates
251	Appropriation Orders
252	Transfer of Appropriations
253	Origination and Adoption of Loan Orders
254	Power to Borrow Within Debt Limit
255	Temporary Use of Loan Funds
256	Issuance of Bonds, Notes, Etc.
257	Disposition of Unexpended Balances of Certain Loans

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By St. 1969 c.849, (the Fiscal Cycle Reform Act) as amended, the city of Boston, like all other cities and towns in Massachusetts, was converted from a fiscal year that coincided with the calendar year to a fiscal year that commences on July 1 and ends on the next following June 30. The Fiscal Cycle Reform Act amended the many sections of the General Laws affected by this transition; it did not, however, accomplish the amendment of special legislation which in part controls the fiscal operation and timetable of the city of Boston. Such special legislation remains in force according to its terms (Brown v. Lowell, 8 Metc. 172,174) unless specifically superseded, or unless the application thereof creates a direct conflict with, or becomes impossible to apply to, the July-June fiscal year which was unequivocally mandated for all cities and towns, including Boston, by sections 62 and 63 of the Fiscal Cycle Reform Act (see McDonald v. Superior Court, 299 Mass. 321,324). Thus, in St. 1948 c.452 §9, the phrase "the fiscal year of the city shall begin on January first and shall end on December thirty-first next following," having been specifically superseded by §63 of the Fiscal Cycle Reform Act has become inoperative. So also the Fiscal Cycle Reform Act should be taken as having stricken by its own force (Opinion of the Justices, 240 Mass. 601,605) the words "current fiscal year" in St. 1909 c.486 §3, and substituted therefore the words "forthcoming fiscal year."

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§250

## CITY BUDGET ESTIMATES

It shall be the duty of the city and county officials, when requested by the mayor, to submit forthwith in such detail as he may require estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall be transmitted to the city council.

## Historical Notes

- St. 1885 c. 266 §8
- St. 1909 c. 486 §3
- St. 1941 c. 604 §1

## Cross References

- G.L. c. 44 §31A
- Statutes, Title 11 §353

## §251

## APPROPRIATION ORDERS

(a) In General. All appropriations, other than for school purposes, to be met from taxes, revenue or any source other than loans, shall originate with the mayor, who, not later than the first Monday in February of each year, shall submit to the city council the annual budget of the current expenses of the city and county for the forthcoming fiscal year, and may submit thereafter such supplementary appropriation orders, as he may deem necessary. The city council may reduce or reject any item, but, except upon the recommendation of the mayor, shall not increase any item in, nor the total of, a budget, nor add any item thereto, nor shall it originate a budget. Not later than the first Monday in April the city council shall take definite action on the annual budget by adopting, reducing or rejecting it, and in the event of their failure so to do the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor.

(b) Purchase of Land. All appropriations for the purchase of land shall require a vote of two-thirds of all the city councillors and shall be passed only after two separate readings and by two separate votes, the second of said readings and votes to be had not less than fourteen days after the first.

(c) Purchase and Maintenance of Public Parks. No land shall be taken[for public parks] or other thing involving an expenditure of money done, until an appropriation, sufficient to cover the estimated expense thereof, shall have been made by a vote of two-thirds of the city council.

(d) Public Facilities Department. The city council shall take definite action on any supplementary appropriation order for the public facilities department by adopting, reducing or rejecting it within sixty days after it is filed with the city clerk; and in the event of their failure so to do, such supplementary appropriation order as submitted by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor.

## Historical Notes

## subsection (a)

St. 1821 c. 110 §15  
St. 1854 c. 448 §37  
St. 1885 c. 266 §9  
St. 1898 c. 434 §§1,2,4,6  
St. 1899 c. 449 §1  
St. 1909 c. 271 §1  
St. 1909 c. 486 §3  
St. 1910 c. 373 §1  
St. 1941 c. 604 §1  
St. 1966 c. 642 §10

## subsection(b)

St. 1909 c. 486 §§2,31  
St. 1951 c. 376 §1  
St. 1966 c. 642 §14

## subsection (c)

St. 1875 c. 185 §3

## subsection (d)

St. 1909 c. 486 §3  
St. 1941 c. 604 §1  
St. 1966 c. 642 §10



## Cross References

## subsection (a)

G.L. c. 44 §§32,33,56A

Statutes, Title 15, §§13,16,17

## subsection (b)

G.L. c. 40 §14

## §252

## TRANSFER OF APPROPRIATIONS

After an appropriation of money has been duly made by the city for any specific purpose, or for the needs and expenditures of any city department or county office, no transfer of any part of the money thus appropriated shall be made except in accordance with and after the written recommendation of the mayor to the city council, approved by a yea and nay vote of two-thirds of all the members of the city council; provided, that the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal service, from any item to any other item within the appropriations for a department, division of a department or county office. After December tenth in each year the city auditor may, with the approval of the mayor in each instance, apply any income and taxes not disposed of and make transfers from any appropriation to any other appropriation for the purpose only of closing the accounts of the fiscal year.

## Historical Notes

St. 1893 c. 261 §1

St. 1898 c. 434 §7

St. 1899 c. 449 §1

St. 1909 c. 486 §3

St. 1924 c. 479 §2

St. 1941 c. 604 §1

St. 1942 c. 4 §3 (Printed at end of 1941 volume)

St. 1954 c. 24

## Cross Reference

G.L. c. 44 §33B

## §253

## ORIGINATION AND ADOPTION OF LOAN ORDERS

The mayor from time to time may make to the city council in the form of a loan order filed with the city clerk such recommendations as he may deem to be for the welfare of the city. The city council shall consider each loan order so presented and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If such loan order is not rejected within sixty days, it shall be in force as if adopted by the city council unless previously withdrawn by the mayor. Nothing herein shall prevent the mayor from again presenting a loan order which has been rejected or withdrawn.

The city council may originate a loan order and may reduce or reject any item in any loan. All loans voted by the city council shall require a vote of two thirds of all the city councillors and

shall be passed only after two separate readings and by two separate votes, the second of the readings and votes to be had not less than fourteen days after the first, except that in the case of loan orders for temporary loans in anticipation of taxes the second of the readings and votes may be had not less than twenty-four hours after the first. No amendment increasing the amount of loans, or altering the disposition of the proceeds of loans shall be made at the time of the second reading and vote.

If a petition signed by three city councillors requesting that action be taken forthwith upon a loan order presented by the mayor is filed in the office of the city clerk not earlier than fourteen days after the presentation of such loan order, action shall be taken by the yeas and nays on the question of the adoption of such loan order at the next meeting of the council, or, if one vote has already been taken thereon, at the next meeting after the expiration of the required interval after such vote; provided, that such action thereon has not sooner been taken or such loan order has not been withdrawn by the mayor.

#### Historical Notes

St. 1898 c. 434 §§3,6

St. 1899 c. 449 §1

St. 1909 c. 486 §2

St. 1933 c. 113 §1

St. 1934 c. 11 §2

St. 1934 c. 220

St. 1943 c. 75 §289

St. 1948 c. 452 §20

St. 1951 c. 376 §1

St. 1966 c. 642 §14

#### special loan authorizations

St. 1875 c. 185 §12 (Public Park Loan)

St. 1931 c. 271; St. 1937 c. 160 (Airport Improvement Loan)

St. 1933 c. 366 §5 (Subway Bonds)

St. 1935 c. 474 (Court House Loan)

St. 1945 c. 361 (Traffic Tunnel Retirement Bonds)

St. 1946 c. 192 (Funding Loan: Abatements on Tax Assessments)

St. 1946 c. 474 (Parking Facilities Loan)

St. 1951 c. 625 (Parking Facilities Loan)

St. 1955 c. 364 (Extraordinary Repairs Loan: Repairs to hospital and library buildings)

St. 1955 c. 450 (Parking Facilities Loan)

St. 1957 c. 718 (Municipal Auditorium Loan)

St. 1958 c. 624 (New City Hall Loan)

St. 1958 c. 668 (Extraordinary Repairs Loan: Repairs to Hospital Buildings)

St. 1959 c. 429 (Extraordinary School Repairs Loan: Boston Technical High School)

St. 1961 c. 514 (Extraordinary Repairs Loan: Repairs to City buildings)

St. 1963 c. 752 (Extraordinary Repairs Loan: Repairs to City hospital Buildings)

St. 1964 c. 516 §1 (New City Hall Loan)

St. 1964 c. 516 §2 (Municipal Auditorium Loan)

St. 1965 c. 215 (Extraordinary Repairs Loan: Repairs to school buildings)

St. 1967 c. 677 (New City Hall Loan)

St. 1970 c. 131 (Hospital Improvement Loan)

#### Cross References

G.L. c. 44 §§4,17

Statutes, Title 8, §§6,7

## §254 POWER TO BORROW WITHIN DEBT LIMIT

The commissioners of sinking funds, together with the collector-treasurer and auditor, shall before the first day of April in each year certify to the city council their estimate of the amount which the city will be able to borrow during the current municipal year within the debt limit established by law; and the city is hereby authorized to borrow such estimated amount, or any portion thereof, at any time or times during such current municipal year.

All bonds and certificates of the city shall, in determining the debt limit, be considered as issued on the date on which they are authorized, and may actually be issued and sold in such amounts and at such times during the year in which they are authorized, or thereafter, as the mayor shall from time to time request, anything in any special or general law to the contrary notwithstanding.

## Historical Notes

- St. 1891 c. 93 §1
- St. 1903 c. 191 §1
- St. 1931 c. 225 §2
- St. 1933 c. 366 §2
- St. 1934 c. 21 §1
- St. 1936 c. 83
- St. 1936 c. 224 §6
- Rev. Ord. 1961 c. 25 §1

## Cross Reference

- G.L. c. 44 §10

## §255 TEMPORARY USE OF LOAN FUNDS

The auditor and collector-treasurer of the city may, when so directed by the mayor, use for any appropriation to be met by a loan, any funds in the city treasury raised by loan, whether under authority of any general or any special act; the amount so used to be replaced before the close of the financial year of the city, from funds raised as provided by law for meeting the appropriations for which such amount was used.

## Historical Notes

- St. 1893 c. 192 §1
- Rev. Ord. 1961 c. 25 §1

## §256 ISSUANCE OF BONDS, NOTES, ETC.

[When authorized to issue any bonds, notes or certificates of indebtedness of the city, the collector-treasurer, without further authority than that contained in this section, may, except as otherwise provided in section 18 of chapter 44 of the General Laws, sell such bonds, notes or certificates of indebtedness at not less than par, at public or private sale, or may use the same in payment of debts of the city. Any provision of general or special law to the contrary notwithstanding, bonds, notes and certificates of indebtedness of the city may actually be issued and sold in such amounts and at such times during the year in which they are authorized, or



thereafter, as the mayor shall from time to time request. Bonds, notes and certificates of indebtedness of the city may be issued in coupon or in registered form, or both, as the collector-treasurer shall determine; and the collector-treasurer, without further authority than that contained in this section, may conformably with section 4 of chapter 107 of the General Laws, issue registered bonds, notes or certificates of indebtedness of the city in exchange for coupon or registered bonds, notes or certificates of indebtedness of the city surrendered for cancellation under said section 4. No sinking fund shall be established for any loan issued by the city.]

#### Historical Notes

The historical notes below cite key statutes which contributed to this section. However, because there are a large number of additional statutes involved, most of which are now wholly or partially obsolete, we have chosen to print William Kerr's compendium of this section. Mr. Kerr's notes have been preserved and may be consulted by those with a special interest in this area.

St. 1890 c. 418 §7

St. 1896 c. 163 §1

St. 1903 c. 191 §1

St. 1909 c. 486 §26

Rev. Ord. 1961 c. 25 §§1,2

#### Cross References

G.L. c. 44 §§18,47

G.L. c. 107 §4

## §257

### DISPOSITION OF UNEXPENDED BALANCES OF CERTAIN LOANS

For the purpose of reducing the debt of the city incurred outside the limit of its indebtedness, the collector-treasurer, with the approval of the mayor, may from time to time pay over to the board of commissioners of sinking funds the excess of the proceeds of any loan heretofore or hereafter issued outside said limit over the amount required for the purposes specified in the authorization of such loan; provided, that no such payments shall be made until after the expiration of two years after all expenditures under such authorized loan shall have been made.

#### Historical Notes

St. 1928 c. 174 §1

Rev. Ord. 1961 c. 25 §§1,2

Chapter 9 -- Finance Commission

(Prepared by Herbert P. Gleason, Corporation Counsel)

Sec.

300	Finance Commission. Qualifications, Appointment, Term, Compensation, Removal, Etc.
301	Duties
302	Expenses
303	Powers
304	Penalty
305	Perjury
306	Depositions
307	Protection Against Self-Incrimination

§ 300 FINANCE COMMISSION. QUALIFICATIONS, APPOINTMENT, TERM, COMPENSATION, REMOVAL, ETC.

Within sixty days after the passage of this act\* the governor shall appoint a finance commission to consist of five persons, inhabitants of and qualified voters in the city, who shall have been such for at least three years prior to the date of their appointment, one for the term of five years, one for four years, one for three years, one for two years, and one for one year, and thereafter as the terms of office expire in each year one member for a term of five years. Vacancies in the commission shall be filled for the unexpired term by the governor. The members of the commission may be removed by the governor for such cause as he shall deem sufficient. The chairman shall be designated by the governor. His annual salary shall be five thousand dollars, which shall be paid in monthly instalments by the city. The other members shall serve without pay.

\* June 11, 1909

## Historical Notes

St. 1908 c. 562 §1

St. 1909 c. 486 §17

St. 1964 c. 740 §3 (Printed at the beginning of Acts and Resolves of 1965)

§ 301 DUTIES

It shall be the duty of the finance commission from time to time to investigate any and all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city or county, or any department thereof, that may appear to the commission to require investigation, and to report thereon from time to time to the mayor, the city council, the governor, or the general court. The commission shall make an annual report in January of each year to the general court.

Whenever any pay roll, bill, or other claim against the city is presented to the mayor, auditor,

or the collector-treasurer, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the city's interest, refer it to the finance commission, which shall immediately investigate the facts and report thereon; and pending said report payment shall be withheld.

Historical Note

St. 1908 c. 562 §1

St. 1909 c. 486 §§18,19

St. 1948 c. 261

§ 302

EXPENSES

The commission is authorized to employ such experts, counsel, and other assistants, and to incur such other expenses as it may deem necessary, and the same shall be paid by the city upon requisition by the commission, not exceeding in the aggregate in any year the sum of eighty thousand dollars, or such additional sums as may be appropriated for the purpose by the city council, and approved by the mayor. A sum sufficient to cover the salary of the chairman of the commission and the further sum of at least eighty thousand dollars to meet the expenses as aforesaid shall be appropriated each year by the city. The commission shall have the same right to incur expenses in anticipation of its appropriation as if it were a regular department of the city.

Historical Notes

St. 1909 c. 486 §20

St. 1921 c. 81

St. 1923 c. 56

St. 1924 c. 369

St. 1948 c. 175

St. 1948 c. 261

St. 1948 c. 452 §49

St. 1961 c. 40

St. 1965 c. 894

§ 303

POWERS

For the purpose of enabling the commission to perform the duties and carry out the objects herein contemplated, and to enable the mayor, the city council, the governor or the general court to receive the reports and findings of the commission as a basis for such laws, ordinances, or administrative orders as may be deemed meet, the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, contracts and documents relating to any matter within the scope of its investigation, or which may be material in the performance of the duties imposed by said orders and this chapter. Such witnesses shall be summoned in the same manner and be paid the same fees as witnesses before the municipal courts of the city. Each of such witnesses may be represented by counsel who may cross-examine the witness for whom he appears for not more than ten minutes during his examination; but, counsel for any witness at any public hearing may ask him any pertinent question and may offer pertinent evidence through other witnesses subject to cross-examination by the commission and its counsel.

The chairman or any member of the commission may administer oaths to or take the affirmation



of witnesses who appear before the commission. The commission may prescribe reasonable rules and regulations for the conduct of hearings and the giving of testimony.

If any person so summoned and paid shall refuse to attend, or to be sworn, or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter of inquiry in consideration before the commission, a justice of the supreme judicial court or of the superior court, in his discretion, upon application by the commission or any member thereof, authorized thereto by vote of the commission, may issue an order requiring such person to appear before the commission, and to produce his books, contracts, documents and papers and to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

#### Historical Notes

St. 1908 c. 562 §§2,3,4,5,6,7

St. 1909 c. 486 §21

### §304 PENALTY

Any person so summoned and paid who shall refuse to attend, or to be sworn, or to affirm, or to answer any question, or to produce any book contract, document or paper pertinent to the matter in consideration by the commission, and any person who wilfully interrupts or disturbs, or is disorderly, at any hearing of the commission shall be punished by a fine not exceeding fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

#### Historical Notes

St. 1908 c. 562 §4

St. 1909 c. 486 §21

### §305 PERJURY

Any person who wilfully swears or affirms falsely before the commission upon any point material to the matter of inquiry shall be guilty of perjury, and shall be subject to the provisions of chapter 268 of the General Laws.

#### Historical Notes

St. 1908 c. 562 §5

St. 1909 c. 486 §21

### §306 DEPOSITIONS

Upon application by the commission to any justice of the supreme judicial court, or of the superior court, the said justice may issue a commission to one or more competent persons in another state for the examination of a person without this commonwealth relative to any matter within the scope of the investigation or of this act. The testimony of such person may be taken by open commission, or otherwise under the procedure, so far as the same may be applicable, provided

by section 42 of chapter 233 of the General Laws, and the justice may issue letters rogatory in support of the commission.

Historical Notes

St. 1908 c. 562 §6

St. 1909 c. 486 §21

§307

PROTECTION AGAINST SELF-INCRIMINATION

Nothing in sections 303 or 304 shall be construed to compel any person to give any testimony or to produce any evidence, documentary or otherwise, which may tend to incriminate him.

Historical Notes

St. 1908 c. 562 §7

St. 1909 c. 486 §21





## TITLE 7

## ENVIRONMENTAL PROTECTION

Chap.		Sec.
1	Conservation Commission . . . . .	1
3	Air Pollution Control Commission . . . . .	50
5	Parks and Recreation Department . . . . .	100
7	Freedom Trail Commission . . . . .	150
9	Traffic and Parking Department . . . . .	200
11	Animal Control Commission . . . . .	300

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Chapter 1 -- Conservation Commission

[No Statutes apply. See Ordinances and Regulations.]

Chapter 3 -- Air Pollution Control Commission

[No Statutes apply. See Ordinances and Regulations.]

Chapter 5 - Parks and Recreation Department  
(Prepared by Peter Koff, Assistant Corporation Counsel)

Sec.

100	Location, Improvement, Care and Control of Public Parks
101	Structures in Public Parks
102	Public Ways, Etc., in Public Parks
103	Use of Public Parks for Military Purposes
104	Powers of Parks and Recreation Commission Over Connecting Public Ways
105	Care and Control of Playgrounds
106	Concessions
107	Care and Control of Municipal Cemeteries
108	Superintendent of Recreation and Other Personnel
109	Study of Recreation Needs
110	Relations with Other Boards, Officers and Organizations
111	Annual Report
112	Assistant Physical Director

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See Ordinances and Regulations. By Ordinances 1954 c. 2 §§1,36,37,38, and under the authority of St. 1953 c. 473, the Park Department (established by Ord. 1912 c. 10), the Board of Park Commissioners (established by St. 1875 c. 185), and the Board of Recreation (established by St. 1943 c. 451) were reorganized so as to establish the Parks and Recreation Department under the charge of the Parks and Recreation Commission. See Rev. Ord. 1961 c. 19.

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§100

## LOCATION, IMPROVEMENT, CARE AND CONTROL OF PUBLIC PARKS

The parks and recreation commission shall have power to locate within the limits of the city of Boston, one or more public parks; and for that purpose, from time to time, to take in fee, by purchase or otherwise, any and all such lands as the commission may deem desirable therefor; or to take bonds for the conveyance thereof to the city, to lay out, improve, govern and regulate any such park or parks, and the use thereof; to make rules for the use and government thereof, and for breaches of such rules to affix penalties not exceeding twenty dollars for one offense, to be imposed by any court of competent jurisdiction; and generally to do all needful acts for the proper execution of the powers and duties granted to, or imposed upon the city, or the commission by this chapter.

The commissioner of parks and recreation shall have power to appoint all necessary engineers, surveyors, clerks and other officers, including a police force to act in such parks, and to define the powers and duties of such officers and fix the amount of their compensation.

### Historical Note

St. 1875 c. 185 §3

### Cross References

G.L. c. 45 §2,3,4,5

G.L. c. 272 §59

## §101 STRUCTURES IN PUBLIC PARKS

The parks and recreation commission may erect in the parks of the city that now are or hereafter may be under its control, except the common, public garden and public squares, structures for the shelter and refreshment of persons frequenting such parks and for other park purposes, of such materials and in such places as in the opinion of the fire commissioner do not endanger buildings beyond the limits of the park. The Boston Building Code and section 7 of chapter 45 of the General Laws shall not apply to such buildings.

## Historical Note

St. 1889 c. 129 §1

## Cross Reference

G.L. c. 45

## §102 PUBLIC WAYS ETC. IN PUBLIC PARKS

No street or way, and no steam or horse railroad shall be laid out over any portion of any park located under section 100 except at such places and in such manner as the parks and recreation commission shall approve.

## Historical Note

St. 1875 c. 185 §13

## Cross Reference

G.L. c. 79 §5

## §103 USE OF PUBLIC PARKS FOR MILITARY PURPOSES

No military encampment, parade, drill, review, or other military evolution or exercise shall be held or performed on any park laid out as aforesaid, except with the prior consent of the parks and recreation commission; nor shall any military body, without such consent, enter or move in military order within the same, except in case of riot, insurrection, rebellion or war.

## Historical Note

St. 1875 c. 185 §14

## Cross Reference

G.L. c. 45 §8

## §104 POWERS OF PARKS AND RECREATION COMMISSION OVER CONNECTING PUBLIC WAYS

The parks and recreation commission may authorize connections to be made of public ways with any boundary road of any public park or with any parkway or boulevard now or hereafter under the charge of the commission, according to such directions, widths and grades, and with such curb and other surface construction for the parts of such ways situated within the distance of five hundred feet from a park, parkway or boulevard as the commission shall prescribe, whether any such directions, widths and grades are shown on any plan, or whether any such way has been laid out or constructed under the provisions of chapter 323 of the acts of 1891 and acts



in amendment thereof or in addition thereto, or otherwise. The parks and recreation commission shall have under its direction and control the planting and care of all trees, the placing of seats, standpipes, drinking fountains, and works of art on the boundary roads and parts of ways, and may establish such reasonable rules and regulations relating to the same and to the roads and parts of ways and to the displaying of advertisements, and to the height and character of fences placed upon lands abutting upon the boundary roads or parts of ways, as the commission shall deem that the public interests require, and shall have all the powers of the mayor and board of aldermen in relation to trees on the boundary roads or parts of ways, subject to the provisions of Statutes, Title 11, §174. Any person violating any such rules or regulations shall for each day that such violation continues forfeit and pay a fine not exceeding twenty dollars.

#### Historical Notes

St. 1898 c. 540 §§1,2,3

St. 1903 c. 331 §1

St. 1905 c. 205 §1

#### Cross References

G.L. c. 45 §4

G.L. c. 84 §7

G.L. c. 87 §5

G.L. c. 272 §59

### §105

#### CARE AND CONTROL OF PLAYGROUNDS

The parks and recreation commission shall have the same power and control over, and the same power to make rules relating to playgrounds now or hereafter taken by the commission under authority of law or placed under its charge by ordinance, as are or may be vested in it in respect to parks, parkways and boulevards under its control.

#### Historical Note

St. 1903 c. 331 §2

#### Cross Reference

G.L. c. 45 §§14,15,17,17A,18

### §106

#### CONCESSIONS

The parks and recreation commission may lease any lands or buildings under its control, to be used for boathouses, refectories and other purposes, and may grant concessions for keeping boats, carriages and other things for the accommodation of the public, for such terms and on such conditions as the commission, with the approval of the mayor, may deem proper.

#### Historical Note

St. 1897 c. 365 §1

#### Cross Reference

G.L. c. 45 §5A

## §107 CARE AND CONTROL OF MUNICIPAL CEMETERIES

The parks and recreation commission shall have charge of Mount Hope Cemetery and of all other burial grounds owned by or in charge of the city of Boston, shall set apart and appropriate a portion of the cemetery as a public burying ground for the use of the inhabitants of the city, free from any charge therefor; shall lay out the cemetery in suitable lots or other subdivisions for family or other burials, with necessary paths and avenues; shall plant and embellish the cemetery with trees, shrubs, flowers and other rural ornaments; may enclose and divide the same with proper fences, may erect or annex thereto suitable edifices, appendages or conveniences; and may make such by-laws, rules and regulations, not inconsistent with statutes or ordinances, as they may deem advisable; and shall perform such other duties relative to such cemetery and the burial grounds as may from time to time be prescribed by ordinance.

## Historical Note

St. 1897 c. 375 §2

## §108 SUPERINTENDENT OF RECREATION AND OTHER PERSONNEL

The commissioner of parks and recreation shall appoint a superintendent of recreation who shall devote his whole time to such duties as are imposed upon him by this section. The commissioner may also appoint such assistants and other employees as he may deem necessary to accomplish the purposes of this section. The superintendent and all such employees shall be subject to chapter 31 of the General Laws and the rules and regulations made thereunder, except that the play instructors and supervisors may be appointed from the list of persons eligible to be appointed as school teachers for the city.

## Historical Note

St. 1943 c. 451 §§2,3

## §109 STUDY OF RECREATION NEEDS

The parks and recreation commission shall study the recreation needs of the city and shall formulate plans for adequately distributed, co-ordinated and diversified recreational services. Such plans, with recommendations of the commission, shall be submitted to departments of the city empowered by law to provide recreational services. The commission shall encourage the establishment of voluntary committees to advise and cooperate with the commission with respect to the operation and supervision of neighborhood play areas. The commission may submit recommendations to any licensing authority or authorities.

## Historical Note

St. 1943 c. 451 §4

## §110 RELATIONS WITH OTHER BOARDS, OFFICERS AND ORGANIZATIONS

The commission may, from time to time, consult with the parks and recreation department, school committee, police department, public facilities department, public works department and traffic and parking department, and any other department of the city empowered under any general or special law or any ordinance to provide recreational services or having jurisdiction over premises

and facilities which might be used for recreation, in relation to the recreational services or premises and facilities provided by the department and in relation to plans for recreational services formulated by the commission.

The departments may, from time to time, delegate to the commission, with the consent of the commission and under such terms, including provisions for the transfer of personnel, as may be agreed upon, the management of any such recreational services or make available to the commission premises and facilities under their control.

The commission may provide and may conduct recreational activities and supervise recreational premises and facilities delegated or made available to it by other departments of the city. The commission may co-operate with and promote by advice, suggestion and otherwise, such voluntary or amateur organizations for recreation, entertainment or mutual improvement as shall meet its approval. The commission may acquire and utilize recreational supplies and equipment and other supplies and equipment necessary for the conduct of its work.

Historical Note

St. 1943 c. 451 §§5,6,7

§111 ANNUAL REPORT

The parks and recreation commission shall annually make a report of its activities during the preceding year to the mayor with such recommendations for the development of playgrounds and recreational facilities, including additions thereto, as it may deem advisable.

Historical Note

St. 1943 c. 451 §8

Cross Reference

G.L. c. 45 §9

§112 ASSISTANT PHYSICAL DIRECTOR

The office of assistant physical director in the parks and recreation department of the city shall be subject to the civil service laws and rules and regulations.

Historical Note

St. 1947 c. 231



Chapter 7 -- Freedom Trail Commission  
(Prepared by Peter Koff, Assistant Corporation Counsel)

Sec.

150 Freedom Trail Commission. Appointment, Term, Compensation, Powers and Duties

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§150 FREEDOM TRAIL COMMISSION. APPOINTMENT, TERM, COMPENSATION, POWERS AND DUTIES

There shall be in the public works department, or in such other department as the city council, with the approval of the mayor, shall from time to time determine, but not subject to the supervision or control of the officer or board in charge of such department, a board, to be known as the Freedom Trail Commission, consisting of five commissioners appointed by the mayor, each for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, two of whom shall be so appointed from a list of seven candidates nominated by the Freedom Trail Foundation Inc. The commission shall elect a chairman and vice chairman, who shall be members thereof, and a secretary, who need not be a member thereof. The members of the commission shall serve without compensation.

The freedom trail commission shall from time to time, after due notice and a public hearing, designate a route in the city, not over three miles in length, along which the public may walk and pass not less than twelve historic places. The city may from time to time appropriate moneys for the suitable delineation of such route by such means as the commission shall from time to time recommend.

Historical Note

St. 1965 c. 625

Chapter 9 – Traffic and Parking Department

(Prepared by Samuel B. Spencer, Assistant Corporation Counsel  
and Susan Walker, Legal Assistant)

## Sec.

200	Traffic and Parking Commission. Organization, Compensation, Etc.
201	Powers and Duties of Commissioner of Traffic and Parking
202	General Regulation of Street Traffic
203	Regulation of Parking in Certain Private Ways
204	Night Parking on Alternate Sides of Ways
205	Night Parking with Decal
206	Public Off-street Parking Areas
207	Regulation of Parades, Etc.
208	Designation of Streets for Coasting on Sleds
209	Use of Streets for Recreation or Playground Purposes
210	Towing of Illegally Parked Vehicles
211	Penalties for Violations of Rules
212	Hearings on, and Publication of, Rules and Regulations
213	Limitations on Powers Granted
214	Loading Zones

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§200 TRAFFIC AND PARKING COMMISSION. ORGANIZATION, COMPENSATION, ETC.

There shall be in the city a department, known as the Traffic and Parking Department, which shall be under the charge of a board, known as the Traffic and Parking Commission, consisting of an officer, known as the Commissioner of Traffic and Parking, appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, who shall be chairman of the commission, and four other officers, known as Associate Commissioners of Traffic and Parking. The police commissioner, the fire commissioner, the commissioner of public works and the commissioner of real property shall be, ex officio, the associate commissioners of traffic and parking.

The commissioner of traffic and parking shall receive such annual salary as shall from time to time be fixed by the city council with the approval of the mayor. The associate commissioners of traffic and parking shall receive no compensation for their services as associate commissioners of traffic and parking.

## Historical Notes

- St. 1929 c. 263 §1
- St. 1957 c. 253 §1
- St. 1960 c. 755 §1
- St. 1962 c. 338 §1

## §201 POWERS AND DUTIES OF COMMISSIONER OF TRAFFIC AND PARKING

The commissioner of traffic and parking shall exclusively have the powers, and perform the duties, of a department head with respect to the making of contracts (other than contracts for the acquisition, installation or maintenance of parking meters) and the appointment, suspension, discharge, compensation and indemnification of engineers, experts, assistants and other employees for the traffic and parking department; but in the exercise of such powers and the performance of such duties, he shall be subject to all statutes and ordinances applicable generally to departments of the city.

The commissioner of traffic and parking shall have power to make, erect and maintain, or cause to be made, erected and maintained, traffic signs, signals, markings and other devices for the control of street traffic in the city and for informing and warning the public as to rules and regulations adopted under this section or sections 202 to 211, inclusive, subject, however, to section 2 of chapter 85, and to sections 8 and 9 of chapter 89, of the General Laws.

Whenever the traffic and parking commission is not in session, the commissioner of traffic and parking shall have all authority of the commission under sections 202 to 211, inclusive, and section 18 of chapter 90 of the General Laws notwithstanding that the matter may admit of delay; provided, that any rule or regulation promulgated by the commissioner in exercising the power vested in him by this paragraph may be amended or repealed at any time by the commission.

## Historical Notes

St. 1929 c. 263 §§1A,1B,2,2B

St. 1957 c. 253 §§1,4,5

St. 1962 c. 338, §§2,3,6

St. 1964 c. 318 §2

## §202 GENERAL REGULATION OF STREET TRAFFIC

The commission, shall also have exclusive authority except as provided in section 201, to adopt, amend, alter, and repeal rules and regulations, not inconsistent with general law as modified by this chapter, relative to vehicular traffic in the city, and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways, under the control of the city, including rules and regulations designating any way or part thereof under said control as through way under and subject to section 9 of chapter 89 of the General Laws.

The traffic and parking commission is hereby directed to provide in its regulations prohibiting or restricting the parking and standing of motor vehicles on public ways in the city that they shall not, so far as they relate to the easterly side of Hancock street between Mount Vernon and Derne streets, the southerly side of Derne street between Hancock and Bowdoin streets, and the westerly side of Bowdoin street between Mount Vernon and Beacon streets, apply to motor vehicles owned or used by members and officers of the general court.

Any rule or regulation, adopted under section 2 of chapter 263 of the acts of 1929, prohibiting or restricting the stopping or standing of motor vehicles on North Market, South Market, Fulton, Richmond, Chatham, John and Ferry streets, Merchants Row, Fulton Place, Commercial street beginning at State street and ending at Atlantic avenue, Fitzgerald Highway Under beginning at



North street and ending at Milk street on both sides, and at Dock Square in front of Faneuil Hall Market shall provide that it shall not apply for a period of one hour to motor vehicles to or from which perishable foodstuffs or produce are being loaded or unloaded in the regular course of business.

#### Historical Notes

- St. 1929 c. 263 §2
- St. 1934 c. 140 §1
- St. 1950 c. 78 §1
- St. 1954 c. 97
- St. 1961 c. 528
- St. 1964 c. 387

#### Cross References

- G.L. c. 40 §22
- G.L. c. 85 §10
- G.L. c. 90 §18

### §203

#### REGULATION OF PARKING IN CERTAIN PRIVATE WAYS

The commission shall have exclusive authority, except as provided in section 201, to adopt, amend, alter and repeal rules and regulations, not inconsistent with general law, prohibiting or regulating the leaving of vehicles unattended within the limits of private ways furnishing means of access for fire apparatus to any building.

#### Historical Notes

- St. 1929 c. 263 §2
- St. 1964 c. 318 §1
- St. 1964 c. 387

#### Cross Reference

- G.L. c. 40 §§21,14

### §204

#### NIGHT PARKING ON ALTERNATE SIDES OF WAYS

Any rule or regulation adopted under section 201 or 202 prohibiting for any period of time between a specified hour of one day and a specified hour of the next day the parking or standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads or parkways may provide that it shall apply to the alternate sides thereof on specified days. No warning sign need be maintained in connection with any rule or regulation so providing; nor shall any such rule or regulation be subject to section 2 of chapter 85 of the General Laws.

#### Historical Notes

- St. 1929 c. 263 §2
- St. 1957 c. 407
- St. 1960 c. 267
- St. 1961 c. 349
- St. 1964 c. 387

## §205

## NIGHT PARKING WITH DECAL

Any rule or regulation adopted under section 201 or 202 prohibiting vehicles on the whole or any part or parts of one or more streets, ways, highways, roads or parkways, under the control of the city, may provide that it shall not apply in such residential areas as shall be specified and at such times as shall be prescribed in such rule or regulation to any motor vehicle registered under chapter 90 of the General Laws as principally garaged in the city and owned or used by a person residing in such an area, who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule or regulation shall prescribe and filed with the officer in command of the police district in which such vehicle is parked, notice of intention to park in such area and shall display in a conspicuous place on such vehicle, while parked, such visible evidence of the giving of such notice as such rule or regulation shall prescribe; but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed to assign any specific space to any person or vehicle.

## Historical Notes

St. 1929 c. 263 §2

St. 1952 c. 366 §1

St. 1964 c. 387

St. 1971 c. 899

## §206

## PUBLIC OFF-STREET PARKING AREAS

For the purposes of sections 203 to 211, inclusive, and of section 20C of chapter 90 of the General Laws, such off-street parking areas and facilities operated by the real property board as said board shall from time to time designate shall be deemed to be ways under the control of the city during such periods of time as said board shall from time to time determine.

## Historical Notes

St. 1929 c. 263 §2

St. 1955 c. 318 §1

St. 1964 c. 387

## §207

## REGULATION OF PARADES, ETC.

For the purpose of conserving the public convenience in the use of the streets, ways, highways, roads and parkways under the control of the city, the commission shall have exclusive authority, except as provided in section 201, to adopt, amend, alter and repeal rules, which shall be reasonable and not repugnant to law, regulating the time, place and manner of parades, processions and other organized formations of persons or vehicles, other than funeral processions and picket lines, in or upon all or any such streets, ways, highways, roads and parkways, and prescribing that no person shall take part in any parade, procession or other organized formation or persons or vehicles, other than a funeral procession or a picket line, in or upon any such street, way, highway, road or parkway unless the commissioner of traffic and parking has granted a permit for such parade, procession or formation; provided, however, that no rule prescribing a permit shall be valid unless it also requires the issuance of the permit in all cases except where the time, place and manner

are not in conformity with rules adopted under this section and except where the permit would conflict as to time or place with a permit previously issued; and provided further that notwithstanding anything to the contrary in St. 1949 c. 222, no fee shall be charged for any such permit.

#### Historical Notes

St. 1929 c. 263 §2

St. 1950 c. 78 §1

St. 1957 c. 253 §2

St. 1962 c. 338 §4

St. 1964 c. 387

### §208 DESIGNATION OF STREETS FOR COASTING ON SLEDS

The traffic and parking commission shall have exclusive authority, except as provided in section 201, to designate the streets, ways, highways, roads and parkways under the control of the city which may be used for coasting on sleds and other like vehicles.

#### Historical Notes

St. 1956 c. 12

St. 1964 c. 318 §2

### §209 USE OF STREETS FOR RECREATION OR PLAYGROUND PURPOSES

For the purpose of promoting recreation, play or sport, the city by written order of its commissioner of traffic and parking promulgated upon written request of its commissioner of parks and recreation and written approval of such request by its police commissioner, any other city by ordinance and any town by by-law may provide for the closing to vehicular traffic, during periods of time specified in such order, ordinance or by-law, of any public way or part thereof within the limits of such city or town, except a state highway or a parkway or boulevard, having due regard in every instance to the rights of abutting owners and the general public in the use of such way or part thereof.

#### Historical Note

G.L. c. 45 §17A

### §210 TOWING OF ILLEGALLY PARKED VEHICLES

By any rule or regulation adopted under section 202, the traffic and parking commission may authorize, with such limitations, if any, as the commission may think proper, the police commissioner, or such sergeants or officers of higher rank in the police department as he may from time to time designate, to remove to some convenient place, through the agency of a person or persons in the employ of the police department, or by an independent contractor selected on the basis of competitive bids invited by advertisement in the City Record, as the police commissioner shall from time to time determine, any vehicle, except a vehicle owned by the commonwealth or a political subdivision thereof or by the United States or an instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer



who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered, and except also a vehicle owned by a disabled veteran and bearing a distinctive number plate authorized by section 2 of chapter 90 of the General Laws parked or standing on any part of any such street, way, highway, road or parkway in such manner as to impede in any way the plowing or removal of snow or ice or in violation of any rule or regulation adopted under section 201 or 202 which prohibits the parking or standing of all vehicles on such part at such time and recites that whoever violated it shall be liable to charge for the removal and storage of the vehicle as well as subject to punishment by fine, and may impose liability for the reasonable cost of such removal, and of the storage charges, if any, resulting therefrom, upon the owner of such vehicle; provided, however, that the liability so imposed for removal shall not exceed twelve dollars, that the liability so imposed for storage shall not exceed the schedule of maximum rates contained in the then latest lease of an off-street parking facility under Title 11, chapter 7, and that neither such removal nor such storage shall be deemed to be services rendered or work performed by the city or a department thereof within the meaning of Title 2, chapter 15; and provided further that the city shall be liable to the owner of such vehicle for any damage caused to it arising out of negligence in the course of such removal and storage. No rule or regulation reciting that whoever violates it shall be liable to charge for the removal and storage of the vehicle as well as subject to punishment by fine shall be valid unless, in a writing filed with the secretary of the commission at the time of the adoption of such rule or regulation, every member of the commission voting for the adoption thereof certifies that after taking into account the public safety and convenience, the reasonably free circulation of vehicular traffic and the need for providing in the streets, ways, highways, roads and parkways in the city the maximum number of parking spaces at all times, he is of opinion that such rule or regulation is required by urgent public necessity.

If a vehicle is removed pursuant to a rule or regulation adopted under this section, such vehicle shall be held until all charges lawfully imposed for such removal and storage following the same have been paid, and, if in the calendar year in which such vehicle is so removed and in the preceding calendar year, five or more notices, in the aggregate, have been affixed to said vehicle as provided in section 20C of chapter 90 of the General Laws, until due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited. In addition, a motor vehicle may in any calendar year, if in such year and in the calendar year immediately preceding five or more notices in the aggregate have been affixed to said vehicle as provided in said section 20C and have not been disposed of, be removed to, and stored in, a convenient place in the city until all charges lawfully imposed for such removal and storage have been paid and due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited.

#### Historical Notes

- St. 1929 c. 263 §2
- St. 1949 c. 362
- St. 1954 c. 369 §1
- St. 1955 c. 315 §1
- St. 1959 c. 440 §1
- St. 1960 c. 499 §1
- St. 1961 c. 233 §§4,5
- St. 1964 c. 387
- St. 1966 c. 228
- St. 1968 c. 276
- St. 1968 c. 494
- St. 1971 c. 665
- St. 1973 c. 253

## §211 PENALTIES FOR VIOLATIONS OF RULES

The traffic and parking commission may adopt, amend and repeal rules and regulations, not repugnant to law, prescribing a penalty, not exceeding fifty dollars, for any violation of a rule or regulation adopted under sections 201 to 208, inclusive, which is not disposed of under section 20C of chapter 90 of the General Laws; provided that no penalty shall be imposed upon any disabled veteran whose vehicle bears the distinctive number plates authorized by section 2 of said chapter 90, or upon any handicapped person whose vehicle displays in the rear window the distinctive sticker authorized by said section 2, for parking such vehicle on any way for a longer period of time than permitted by a rule or regulation adopted under sections 201 to 208, inclusive.

## Historical Notes

St. 1929 c. 263 §2

St. 1950 c. 78 §1

St. 1957 c. 253 §3

St. 1960 c. 84 §2

St. 1964 c. 387

## §212 HEARINGS ON, AND PUBLICATION OF, RULES AND REGULATIONS

Within thirty days after the filing with the traffic and parking commission by twenty-five registered voters of the city a petition for a public hearing relative to any rule or regulation adopted or proposed to be adopted by the commission or promulgated by the commissioner of traffic and parking, the commission shall hold such a hearing on such rule or regulation; and final action on such rule or regulation shall be determined only by a vote of a majority of the entire membership of the commission.

No rule or regulation adopted by the traffic and parking commission or promulgated by the commissioner of traffic and parking shall take effect until published in the City Record.

Neither this section nor section 2 of chapter 85 of the General Laws shall apply to any rule or regulation adopted by the traffic and parking commission or the commissioner of traffic and parking which, by its terms, is to be operative for less than sixty-one days.

## Historical Notes

St. 1929 c. 263 §§2,2C

St. 1957 c. 253 §§4,5

St. 1958 c. 7

St. 1962 c. 338 §7

## §213 LIMITATIONS ON POWERS GRANTED

Nothing in sections 201 to 210, inclusive, shall be construed to authorize the commissioner of traffic and parking to promulgate, or the commission to adopt, any rule or regulation excluding the street railway cars or trackless trolley vehicles of the Massachusetts Bay Transportation Authority from any street, way, highway, road or parkway, or any part of any thereof, in which it has a location, or to modify or limit any power or authority of the metropolitan district commission,

the state department of public works or the state department of public utilities, or to modify or limit any power or authority of the police commissioner to regulate street uses under any license or permit granted by him.

#### Historical Notes

St. 1929 c. 263 §§2,2D

St. 1957 c. 253 §§4,5

St. 1962 c. 338 §8

## §214

### LOADING ZONES

The commissioner of traffic and parking shall have exclusive authority to designate, upon written application by an abutting owner or occupant and the payment of such fee as may from time to time be fixed by ordinance under St. 1949 c. 222 parts of streets, ways, highways, roads and parkways under the control of the city as loading zones. Every designation of a loading zone under this section shall take effect on such date, not later than one month after it is made, and expire on such date, not later than one year after its effective date, as said commissioner shall determine, and may at any time, after reasonable notice and hearing, be revoked by said commissioner if he deems the continuation of such zone to be inconsistent with the public interest or if the owner or occupant who applied therefor shall have violated any condition of the designation or any rule or regulation of the traffic and parking commission or said commissioner regulating the use thereof.

#### Historical Notes

St. 1929 c. 263 §2A

St. 1935 c. 319

St. 1960 c. 84 §1

St. 1962 c. 338 §5

## Chapter 11 -- Animal Control Commission

No Statutes apply. See Ordinances and Regulations.





## TITLE 8

## DEVELOPMENT

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3	Boston Redevelopment Authority . . . . .	100
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Chapter 1 -- Public Facilities Commission; Department of Public Facilities  
 (Prepared by Kevin F. Moloney, Assistant Corporation Counsel)

Sec.	
1	Public Facilities Commission. Appointment, Term, Compensation, Etc; Department of Public Facilities
2	Director of Public Facilities; Other Personnel; Powers and Duties
3	Commission; Powers and Duties
4	Selection of Site, Architect, Engineer, Etc., Approval of Preliminary Studies, Compliance With Building, Zoning Safety Etc. Laws, Making of Contracts
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10	Supplementary Appropriation Orders
11	Acquisition of Land, Air Rights, Riparian Rights, Eminent Domain
12	Land; Transfer of Municipal Purpose; Transfer of Care, Custody, Etc.
13	Surplus Land; Sale, Grant, Lease

§1 PUBLIC FACILITIES COMMISSION. APPOINTMENT, TERM, COMPENSATION, ETC;  
 DEPARTMENT OF PUBLIC FACILITIES

There shall be in the city of Boston, hereinafter called the city, a department, known as the public facilities department, hereinafter called the department, which shall be under the charge of a board, known as the public facilities commission, hereinafter sometimes called the commission, consisting of three members, known as public facilities commissioners, each appointed by the mayor

for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected. The mayor may remove any public facilities commissioner at any time by filing a written statement to such effect with the city clerk.

The commission shall elect one of its members as chairman and another as vice-chairman and shall also appoint a secretary who need not be a member of the commission. The members of the commission shall serve without compensation and shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws. No person shall serve as a member of the commission while holding the office of mayor, city councillor or school committeeman, but a member may simultaneously hold any other office or position under the city government or any office or position under the state or federal government.

The commission shall meet at least once each three months. All words in this chapter purporting to give authority to, or to direct an act by, the commission shall be construed as giving such authority or direction to a majority of the commission acting either in meeting or by a writing signed by such majority and filed with the secretary of the commission.

#### Historical Notes

St. 1966 c. 642 §1

#### Cross Reference

Statutes, Title 5 §107

## §2

### DIRECTOR OF PUBLIC FACILITIES: OTHER PERSONNEL; POWERS AND DUTIES

There shall be in the department an officer, known as the director of public facilities, hereinafter called the director, appointed by the commission to serve at its pleasure, and such other personnel, including accountants, architects, engineers, construction, financial and other experts, managers and superintendents, as the commission may from time to time deem expedient; provided, however, that no person shall be elected or appointed by the commission to any office or position, other than those of chairman, vice-chairman and director, unless such person is nominated for such election or appointment by the director. Without obtaining the consent of any other board or officer or further authority than that contained in this act, the commission may fix the compensation of the director and, upon recommendation of the director but not otherwise, of all other personnel elected or appointed by it. Neither chapter 31 of the General Laws nor any rule made thereunder shall apply to the director or any other personnel elected or appointed by the commission; provided, however, that said chapter 31 and rules made thereunder shall continue to apply to every person transferred to the service of the commission if at the time of such transfer such person holds an office or position under a permanent civil service appointment and is not still serving his probationary period; and further provided that said chapter and rules shall govern promotions among those to whom they continue to apply.

The director shall be the executive officer of the commission and shall have such powers and perform such duties as the commission shall from time to time determine. The commission may delegate to, and recall from, the director, whenever the commission deems it expedient, the power to make contracts and any or all of its other powers, as the commission may from time to time determine.

#### Historical Note

St. 1966 c. 642 §2



## §3 COMMISSION; POWERS AND DUTIES

It shall be the duty of the commission, and the commission shall have the exclusive power and authority:

(a) To prepare and from time to time amend a long-range capital improvement program designed to provide the necessary land, structures, facilities and equipment when needed or as soon thereafter as the conditions and adaptability of buildings then existing, the expected availability of land, facilities and buildings then being constructed and the financial resources of the city will permit. Such program shall specify the capital improvement projects to be undertaken in the ten years immediately following the year in which such program is prepared, the estimated cost of each such project, the proposed commencement and completion dates thereof, and, to the extent practicable, the proposed or alternative sites therefor. Such program shall include not only all proposed new structures and facilities, but all proposed alteration, rehabilitation, modernization, change in use or demolition of structures and facilities from time to time existing.

(b) Subject to the limitations in section [ four ] to select the site for each new structure and facility and each extension of structures and facilities from time to time existing.

(c) Subject to the limitations in section [ four ], to prepare such plans and specifications as may be necessary or advisable to construct new structures and facilities and to reconstruct, remodel and demolish structures and facilities from time to time existing, and, except as otherwise provided in section nine, to make major alterations and major repairs of such structures and facilities.

(d) Subject to the provisions of sections 44A to 44L, inclusive, of chapter 149 of the General Laws, to construct new structures and facilities and to reconstruct, remodel, and demolish structures and facilities from time to time existing.

(e) To make major alterations and major repairs of all structures and facilities from time to time belonging to the city, other than school buildings and their yards. As used in this clause and clause (c) "major alterations" and "major repairs" shall mean respectively alterations and repairs the estimated cost of which would require compliance with sections 44A to 44L, inclusive, of chapter 149 of the General Laws; and "alterations", as used in this section and in section nine means work which does not involve the whole of the structure or facility affected or involve a change in its use and which is not in connection with the construction of a new structure or facility or of an addition to a structure or facility from time to time existing or in connection with other reconstruction or remodeling of structures or facilities from time to time existing.

(f) To plan, lay out, relocate, widen, alter or discontinue, in the manner provided therefor by law, any public way or alley or any public sewer or water main and to provide for the planting or removal of public shade trees in connection therewith whenever such way, alley, sewer or water main is within the limits of a project of the commission.

The commission shall also have power and authority:

(i) To accept grants, gifts and other aid from the federal government or any agency thereof, the commonwealth or any authority or agency thereof, or any charitable foundation, private corporation or individual and, notwithstanding the provisions of section 53 of chapter 44 of the General Laws, to expend the same without appropriation.

(ii) To delegate any of its powers or functions to any other department or officer, board, commission or authority of the city or to any other public body politic and corporate incurring expenses which the city appropriates money to defray. Each such officer, department, board, commission, authority and public body is hereby authorized and directed to accept such delegation and exercise the power and perform the function so delegated.

(iii) To contract with a company or companies authorized to do such business in the commonwealth for the issuance of a policy or policies insuring the city against (a) legal liability for loss or damage on account of personal injury or death or property damage caused by accident on or about any real estate which has or shall have been let or leased; (b) loss or damage to any such real estate, and legal liability for loss or damage on account of personal injury or death or property damage, caused by the breakage, explosion or rupture of, or any accidental injury to, steam boilers and pipes and containers connected therewith, any lighting, heating or cooking apparatus or their connections, flywheels, power wheels, and engines or other apparatus for applying or transmitting motive or electrical power, tanks or other receptacles under pressure, or their connections, or machinery of any kind on any such real estate; and (c) loss or damage to glass on any such real estate, including lettering and ornamentation thereon, and loss or damage caused by the breakage of such glass.

(iv) To engage by contract from time to time such architects, construction or financial experts, accountants, engineers, custodial or maintenance firms, and other independent contractors as may be necessary or convenient and recommended by the director.

(v) To make and execute all contracts and instruments and do any and all other things necessary or convenient for the exercise and fulfillment of the commission's powers, duties and responsibilities pursuant to this chapter.

(vi) To continually investigate and study, and from time to time report in writing to the mayor on, the services the city should provide and the manner in which its functions can best be performed in all areas of existing or potential municipal endeavor and the structures, facilities and equipment necessary therefor.

#### Historical Note

St. 1966 c. 642 §3

St. 1973 c. 1030 §§1,2

#### Cross References

Statutes, Title 4

Statutes, Title 15 §§4,33

G.L. c. 183A §1 et seq (Condominiums - Public Facilities Commission to exercise authority granted by G.L. c. 183A §20).

## §4 SELECTION OF SITE, ARCHITECT, ENGINEER, ETC., APPROVAL OF PRELIMINARY STUDIES, COMPLIANCE WITH BUILDING, ZONING SAFETY ETC. LAWS, MAKING OF CONTRACTS

(A) No site shall be selected by the commission for any new structure or facility or for the extension of any structure or facility from time to time existing unless the director shall have recommended such site to the commission; and no architect, engineer or other expert shall be engaged as an independent contractor by the commission in connection with the construction, reconstruction, alteration, remodeling, or demolition of any structure or facility unless the director shall have recommended such architect, engineer or other expert to the commission for such engagement.

(B) The director shall not recommend any site to the commission for selection unless he has given every board, officer, authority or body to use the same in the first instance written notice of his proposed recommendation nor until each such board, officer, authority or body has filed with him written comments thereon or 14 days, or such longer period as the director in his said



notice may specify, have elapsed after the director's delivering said notice without his receiving such comments.

(C) The commission shall not approve the preliminary studies of any architect or engineer for any structure or facility, unless a statement of functional requirements respecting such structure or facility and such studies shall have been submitted by the director to every board, officer, authority or body to use such structure or facility in the first instance nor until each such board, officer, authority or body has filed with the director written comments with respect thereto or fourteen days, or such longer period as the director in his said submission may specify, have elapsed after the director's delivering such submission without his receiving such comments.

(D) Whenever the superintendent of schools in response to a notice of proposed site or a submission of architectural or engineering studies and statement of functional requirements with respect to a school building delivered by the director, as provided in this section disapproves such site or the plan for such school building and files within the period of time specified in such notice or submission a counterproposal specifying a site for such school building or specifying particular changes of such plans, without further notice or submission the director may recommend and the commission may select the site specified in such counterproposal or approve the plans after modification in accordance with such changes; and if the commission rejects a site or changes of plans specified in such a counterproposal, the director shall submit to the commissioner of education copies of such counterproposal and all accompanying statements of the superintendent of schools together with the notice or submission delivered by the director and statements of the director in support thereof. Within thirty days after a submission to the commissioner of education pursuant to the preceding sentence, the commissioner of education shall notify the director of his selection of the site or plans as proposed by the director or as specified in such counterproposal; and such selection by the commissioner of education shall be binding upon the director and commission.

(E) The construction, reconstruction, alteration, remodeling, and demolition by the commission of structures and facilities shall be subject to the provisions of chapter 143 of the General Laws relative to the safety of persons in buildings, but shall not be subject to any other building, fire, garage, health or zoning law, or any building, fire, garage, health or zoning ordinance, rule or regulation applicable in the city of Boston.

(F) In entering into contracts on behalf of the city, the commission shall be subject to the provisions, so far as apt, of section 6 of chapter 418 of the acts of 1890 (Statutes, Title 4, contracts).

#### Historical Note

St. 1966 c. 642 §4

#### Cross Reference

Statutes, Title 4

## §5

### RESEARCH, IMPROVEMENTS IN SERVICES, EDUCATIONAL SPECIFICATIONS

Every board and officer of the city, including the school committee, and every authority and public body politic and corporate incurring expenses which the city appropriates money to defray, may, and at the request of the commission shall, conduct theoretical or action research designed



to define improvements in the services offered or provided, and the functions performed, by such board, officer, authority or body; and the school committee may prepare and from time to time amend or supplement a report of educational specifications and programs for the guidance of the commission. The results of all such research and such report of the school committee and any amendment or supplement thereto shall be submitted to the commission, and may also be made available to, and information respecting the same may be disseminated to, appropriate agencies of the city, state and federal governments.

#### Historical Note

St. 1966 c. 642 §5

### §6

#### CAPITAL IMPROVEMENTS, FUNDING, LOAN ORDERS

Not later than the first Monday in February of each year, the mayor shall submit to the city council an annual loan order making such appropriations as may be met by loans and, when added to the appropriations in the annual budget, will enable the undertaking in such year of the capital improvements specified in the approved capital improvement program to be undertaken in such year, and thereafter may submit such supplementary loan orders for such purposes as he may deem necessary.

#### Historical Note

St. 1966 c. 642 §6

### §7

#### LOANS: BOND ISSUES

The city, by a two thirds vote, as defined in section 1 of chapter 44 of the General Laws, may borrow from time to time sums not exceeding, in the aggregate, 115 million dollars for the purpose of planning, designing, acquiring land for, constructing and originally equipping structures and facilities it is authorized to construct, and for remodeling, reconstructing or making major alterations, additions, and major repairs to existing structures and facilities owned by the city except as otherwise provided in section 9. The city may issue bonds or notes therefor, which shall bear on their face the words, City of Boston Capital Improvements Loan, Act of 1966. Each issue shall constitute a separate loan; and such loans shall be paid in not more than 30 years from their dates. Debt incurred from time to time under this section shall not be included in determining the limit of indebtedness of the city as established by law, but shall, except as herein provided, be subject to the provisions, applicable to the city, of chapter 44 of the General Laws, exclusive of the limitation contained in the first paragraph of section 7 thereof, but including the provisions of section 17 thereof relative to temporary loans in anticipation of the issue of bonds or notes.

#### Historical Notes

St. 1966 c. 642 §7

St. 1973 c. 1030 §3

### §8

#### AUTHORITY TO BORROW

The city, by a two-thirds vote, as defined in section 1 of chapter 44 of the General Laws, may borrow from time to time sums, in addition to those authorized in section 7, not exceeding, in

the aggregate, 115 million dollars, for the purpose of planning, designing, acquiring land for, constructing and originally equipping structures and facilities it is authorized to construct and for remodeling, reconstructing or making major alterations, additions and major repairs to existing facilities owned by the city, except as otherwise provided in section 9. The city may issue bonds or notes therefor, which shall bear on their face the words, City of Boston, Capital Improvements Loan, Act of 1973. Each issue shall constitute a separate loan, and such loans shall be paid in not more than 30 years from their dates except that the bonds or notes issued for remodeling, reconstructing or making major alterations, additions and major repairs to existing facilities owned by the city, except as otherwise provided in section 9 shall be paid in not more than 20 years from their dates.

Historical Note

St. 1973 c. 1030 §4

§9 DUTY OF SCHOOL COMMITTEE; EXCLUSIVE POWER, ALTERATIONS, MAINTENANCE, REPAIRS, PUBLIC SCHOOL BUILDINGS, ETC.

It shall be the duty of the school committee of the city, and the school committee shall have the exclusive power and authority to perform necessary alterations, as defined in section 3, maintenance and repairs of public school buildings and their yards and furnishings.

Historical Note

St. 1966 c. 642 §8

Cross Reference

Statutes, Title 15 §§4,33

§10 SUPPLEMENTARY APPROPRIATION ORDERS

The city council shall take definite action on any supplementary appropriation order for the public facilities department by adopting, reducing or rejecting it within 60 days after it is filed with the city clerk; and in the event of their failure so to do, such supplementary appropriation order as submitted by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor.

Historical Notes

St. 1909 c. 486 §3

St. 1941 c. 604 §1

St. 1966 c. 642 §10

§11 ACQUISITION OF LAND, AIR RIGHTS, RIPARIAN RIGHTS, EMINENT DOMAIN

Without obtaining the consent of any other board or officer or further authority than that contained in this chapter, the public facilities commission, in the name of the city, may acquire by purchase, lease, gift, devise or otherwise for any municipal purpose a fee simple absolute or any lesser interest in any land, public or private, within the limits of the city, including air rights and riparian rights, and may take by eminent domain under chapter 79 or chapter 80A of the General Laws any

such fee or interest except in parks and playgrounds and except also, unless there be express consent, in lands belonging to or covered by contract with the United States, the commonwealth, the Boston Housing Authority or the Boston Redevelopment Authority. Whenever the price proposed to be paid for any land to be acquired for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years, such land shall not be acquired by purchase, but shall be taken by eminent domain. No land shall be taken until an appropriation by loan or otherwise for the general purpose for which land is needed shall have been made by the mayor and city council by a two thirds vote of all its members; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. Nothing in this section shall affect in any way the powers and duties of the real property board under chapter 474 of the acts of 1946 as now or hereafter amended, or of the public improvement commission as successor in function to the board of street commissioners under chapter 437 of the acts of 1893 or chapter 426 of the acts of 1897 or chapter 393 of the acts of 1906, as severally now or hereafter amended, or acts in addition thereto.

#### Historical Notes

St. 1909 c. 486 §31, §62

St. 1966 c. 642 §12

#### Cross References

Statutes, Title 8 Chapter 9

Statutes, Title 11 Chapter 7

### §12 LAND; TRANSFER OF MUNICIPAL PURPOSE, TRANSFER OF CARE, CUSTODY, ETC.

Without obtaining the consent of any board or officer other than the mayor, and without interdepartmental payment, the public facilities commission, without further authority, may transfer any land now or hereafter belonging to the city, except parks and playgrounds, but including school lands and land acquired by foreclosure of tax title, from the municipal purpose, if any, to which it is devoted at the time of such transfer to any other specific municipal purpose, and may also transfer the care, custody, management and control of any such land, except parks and playgrounds, but including school land and land acquired by foreclosure of tax title, from such board or officer, including itself, as at the time of such transfer may have the same to such other board or officer, including itself, as it may determine.

#### Historical Notes

St. 1909 c. 486 §31

St. 1966 c. 642 §12

### §13 SURPLUS LAND; SALE, GRANT, LEASE

Without obtaining the consent of any board or officer other than the mayor, the public facilities commission, without further authority, may, for such rent or price and upon such terms as the commission may deem appropriate, lease or sublease or sell, grant, and convey any surplus land, as hereinafter defined, to the federal government or any agency thereof, the commonwealth or any political subdivision or authority thereof or, if notice of intent to lease or sell such land or buildings together with a statement of when and where written details of such proposed lease



or sale may be examined shall first have been publicly advertised in the City Record once a week for two successive weeks, to any person, firm, corporation or trust. "Surplus land", as used in this section, shall be deemed to mean land, buildings and real estate now or hereafter belonging to the city and in the care, custody, management and control of the commission (except parks and playgrounds) which at the time of such lease or sale are or have been used for school purposes, or which have been acquired by foreclosure of tax titles or acquired under section 80 of chapter 60 of the General Laws, or which, irrespective of the manner or time of acquisition, are not held by the city for a specific purpose, or which have been transferred to the commission by the city council.

#### Historical Notes

St. 1909 c. 486 §31

St. 1966 c. 642 §12

#### Cross Reference

Statutes, Title 3

### Chapter 3 - Boston Redevelopment Authority

(Prepared by Norman C. Ross, Assistant Corporation Counsel and  
John L. LaCroix, Boston Redevelopment Authority Legal Officer)

See G.L. c. 121B. The Boston Redevelopment Authority's (B.R.A.) Certificate of Organization (G.L. c. 121B §4) was signed by the Secretary of State on Oct. 4, 1957 following a vote of the City Council of Aug. 19, 1957. 1957 City Council Minutes 223; 1957 City Record, Sept. 7, 1957.

Special Statutes applicable to the B.R.A. (except the one below) are not published because they are published and codified (with their own historical notes) in the historical and editorial notes following section 1 of chapter 121A in both the Annotated Laws of Massachusetts and Massachusetts General Laws Annotated. The special statutes, inter alia, confer upon the B.R.A. the powers and duties of the City of Boston Planning Board and abolish the latter. St. 1960 c. 652 §12. As well as the powers and duties conferred by General Laws, St. 1960 c. 652 §12 purports to confer upon the B.R.A. those powers and duties which the City Planning Board had, whether by special statute or ordinance, "immediately prior to [its] taking effect." There appear to have been no special statutes in effect at the time, and the ordinances deal only with the membership of the old Board. Ord. 1940 c. 1; Ord. 1913 c. 6 (Rev. Ord. 1947 c. 12). (Special Statutes concerning the City Planning Board of historical interest only are St. 1953 c. 414 and St. 1954 c. 119.) St. 1960 c. 652 §12 also makes reference to G.L. c. 121 §§26KK and 26ZZ which were recodified in 1969 as G.L. c. 121B §48. Reid v. Acting Commissioner of Dept. of Community Affairs, 1972 Adv. Sh. 1209, 1215-1216; 284 N.E. 2d 245, 249.

No Ordinances apply. See Regulations.

'One occasion' special statutes relating to various activities of the B.R.A. are as follows:

- St. 1964 c. 663 (An Act Authorizing the Department of Public Works and the B.R.A. to Exercise Certain Powers in Regard to Certain Tidelands Along the Atlantic Avenue and Commercial Street Waterfront in the City of Boston)
- St. 1966 c. 438 (An Act Clarifying the Power of the B.R.A. to Acquire for Urban Renewal Purposes Certain Railroad Property in the Downtown Waterfront-Faneuil Hall Urban Renewal Project Area of the City of Boston)
- St. 1966 c. 543 (An Act Authorizing the City of Boston to Convey Madison Park in said City to the B.R.A. for Urban Renewal or Land Assembly and Redevelopment Project Purposes)
- St. 1966 c. 567 (An Act Providing for the Development, According to an Approved Plan, of South Bay, Roxbury Canal, and Dorchester Brook, and Certain Adjacent Territories After Filling)
- St. 1967 c. 485 (An Act Authorizing the Department of Public Works to Issue to the B.R.A. an Irrevocable License to Fill Beyond the Harbor Line of the Little Mystic Channel in the Charlestown Urban Renewal Project Area of the City of Boston)
- St. 1972 c. 310 (An Act Authorizing the Department of Public Works and the B.R.A. to Exercise Certain Powers in Regard to Certain Tidelands Along the Atlantic Avenue and Commercial Street Waterfront in the City of Boston)
- St. 1975 c.660 (Authorizing the City to Construct Certain Public Improvement in Downtown Area)

#### Cross References

- Aronson, Boston Redevelopment Authority, 43 B.U.L.Rev. 466 (1963)
- Weinstein, Urban Renewal in Massachusetts, 47 Mass. L.Q. 5 (1962)

Boston Landmarks Commission

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106	Certificate of Design Approval
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§100 PURPOSES

The purposes of this act are: (a) to protect the beauty of the city of Boston and improve the quality of its environment through identification, recognition, conservation, maintenance and enhancement of areas, sites, structures and fixtures which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the city; (b) to foster appropriate use and wider public knowledge and appreciation of such features, areas, sites, structures, and fixtures; (c) to resist and restrain environmental influences adverse to such purposes; (d) to encourage private efforts in support of such purposes; and (e) by furthering such purposes, to promote the public welfare, to strengthen the cultural and educational life of the city and the commonwealth and to make the city a more attractive and desirable place in which to live and work.

Historical Note  
St. 1975 c. 772

§101 DEFINITIONS

As used in this act, the following words shall have the following meanings: -

"Architectural conservation district", any area designated by the commission in accordance with section 103 as an area containing any physical features or improvements or both which are of historical, social, cultural, architectural or aesthetic significance to the city and cause such area to constitute a distinctive section of the city.

"Back Bay Residential District", the district created by section 2 of chapter 624 of the acts of 1966, as it now is or hereafter may be constituted.

"Boston Redevelopment Authority", a public body, politic and corporate; created pursuant to chapter 121B of the General Laws and any successor as planning agency of the city, whether by operation of law or otherwise.

"Building commissioner", the building commissioner of the city.

"City", the city of Boston.

"City clerk", the city clerk of the city.



"Commission", the commission provided for by section 102.

"Council", the city council of the city.

"Demolition", the razing of any exterior architectural feature or structure, including its ruin by neglect or necessary maintenance and repairs, or either.

"Exterior architectural features", the site topography and general architectural arrangement, or either, of such portion of the exterior of any structure as is designed to be open to view from any street or way open to public travel, including but not limited to (a) the kind, color and texture of the building material of such portion so open to view, (b) the type and design of all windows, doors, lights, signs and other fixtures appurtenant to such portion, (c) the location, adequacy and treatment of any vehicular access to such structure, and (d) the location and treatment of any motor vehicle parking space appurtenant to such structure and so open to view.

"Historic Beacon Hill District", the district created by section 1 of chapter 616 of the acts of 1955, as amended by chapter 315 of the acts of 1958 and by chapter 622 of the acts of 1963, as it now is or may hereafter be constituted.

"Improvement", any place, structure, building, fixture, object or landscape or topographic feature which in whole or part constitutes an exterior or interior betterment, adornment or enhancement of any real property.

"Landmark", any physical feature or improvement designated by the commission in accordance with section 103 as a physical feature or improvement which in whole or part has historical, social, cultural, architectural or aesthetic significance to the city and the commonwealth, the New England region or the nation.

"Landmark district", any area designated by the commission in accordance with section 103 as an area containing any physical features or improvements or both which are of historical, social, cultural, architectural or aesthetic significance to the city and the commonwealth, the New England region or the nation and cause such area to constitute a distinctive section of the city.

"Mayor", the mayor of the city.

"Physical feature", any natural topographic feature or landscape element, including plants or trees, water courses, shores, promontories and rock outcroppings.

"Privately owned", all property which is not owned by the city, the commonwealth, or the federal government or by any department, board, agency or authority thereof.

"Protection area", any area designated by the commission in accordance with section 103 as an area which is contiguous to and constitutes an essential part of the physical environment of any architectural conservation district, landmark or landmark district.

"Site topography", all or any of the topography, planting, paving, steps, fencing and masonry walls of the site of any structure.

"Structure", a structure as defined in the Boston building code and the site topography of any structure.

#### Historical Note

St. 1975 c. 772 §2

## §102

### BOSTON LANDMARKS COMMISSION

There shall be in the Boston Redevelopment Authority a Boston Landmarks Commission, hereinafter called the commission. The commission shall consist of nine members and nine alternates residing in the city and appointed by the mayor for a term of three years, except, however, that of the initial appointments three members and alternates shall be for a term expiring June thirtieth, 1976, three members and alternates for a term expiring June thirtieth, 1977, and three members and alternates for a term expiring June thirtieth, 1978, as follows: - two commissioners from four candidates, and two alternates from four other candidates, who shall be registered architects in the commonwealth,

nominated by the Boston Society of Architects; one commissioner from two candidates, and one alternate from two other candidates, who shall be architectural historians, nominated by the Society for the Preservation of New England Antiquities; one commissioner from two candidates and one alternate from two other candidates, who shall be experienced as city planners, nominated by the Regional Chapter of the American Institute of Planners; one commissioner from two candidates, and one alternate from two other candidates, who shall be landscape architects registered in the commonwealth, nominated by the Boston Society of Landscape Architects; one commissioner from two candidates, and one alternate from two other candidates, nominated by the Greater Boston Real Estate Board; one commissioner from two candidates, and one alternate from two other candidates, nominated by the Greater Boston Chamber of Commerce; and two commissioners, and two alternates, selected at large by the mayor and who by reasons of experience or education have demonstrated knowledge and concern for conservation and enhancement of those physical features of the city which are important to its distinctive character. Any vacancy in the office of any member of the commission shall be filled in like manner for the unexpired term of such office. As the term of any member of the commission expires, his successor shall be appointed in like manner as such member. Nominations for all initial appointments to the commission shall be submitted to the mayor not later than ninety days after the date of approval hereof by the governor of the commonwealth. Whenever a commissioner is absent or unable for any cause to perform his duties, the alternate appointed in the same manner as such commissioner shall exercise the powers and perform the duties of such commissioner, or if neither a commissioner nor his alternate shall be present, any other alternate present shall perform his duties; but an alternate shall not be otherwise deemed to be, or act, as, a member of the commission. All references to members herein shall be deemed to include alternates unless the context indicates otherwise. Upon designation of any landmark district, architectural conservation district or protection area and unless the designation so provides that the commission itself shall exercise regulatory functions, the mayor shall appoint a district commission to consist of two residents of such district or area or owners of property therein and two alternates and three members of the commission who shall act for the commission in the exercise of those regulatory functions described in section 104 which pertain exclusively to said district or area. All appointments to the commission or the district commission shall be confirmed by the city council.

Every member of the commission shall continue in office after expiration of his term until his successor shall have been duly appointed. The mayor may remove any member in accordance with section 14 of chapter 486 of the acts of 1909. No member shall receive compensation for his service on the commission but shall be reimbursed for his actual expenses reasonably and necessarily incurred in the performance of his official duties.

For the purposes of chapter 268A of the General Laws, every member of the commission, and every person who shall, on a part-time and consultative basis, perform any professional services for the commission, such as the services of architect, attorney, engineer, planner, environmentalist or expert in construction, finance, real estate or traffic, shall be deemed to be a special municipal employee.

Without regard to chapter 31 of the General Laws, the Boston Redevelopment Authority shall provide the commission with an administrative staff acceptable to the commission and adequate to carry on the functions of the commission as provided for in this act. Such staff shall be employees of the Boston Redevelopment Authority. Notwithstanding the foregoing the commission may contract directly for such professional and expert technical assistance as such business shall require.

The commission shall adopt, and may from time to time amend, by-laws concerning its internal management and, after public hearing, may adopt and from time to time amend regulations for the



purpose of interpreting this act and of implementing its administration and enforcement, which regulations shall be in addition to those required by section 103. A copy of every such by-law and amendment thereof and every regulation and amendment thereof adopted pursuant to this section shall be filed in the office of the city clerk; and no such regulation or amendment thereof shall become effective until it shall have been so filed.

Annually on the first day of May or as soon thereafter as may be convenient, the commission shall elect one of its members as chairman and another as vice chairman. The commission shall designate from time to time one of its staff to serve as its secretary. Whenever the secretary shall not attend a meeting of the commission, the commission shall elect a secretary pro tempore who shall take the minutes of the meeting. The records of the commission shall set forth every determination made by the commission, the vote of every member participating in such determination and the absence or failure to vote of every other member.

The commission shall be deemed a department of the city for the purposes of section 53A of chapter 44 of the General Laws.

#### Historical Note

St. 1975 c. 772 §3

### §103

#### DESIGNATIONS BY COMMISSION

Subject to the conditions hereafter specified in this section, the commission by a two-thirds vote of all members of the commission may designate any landmark, landmark district, architectural conservation district or protection area, or by such vote, may amend or rescind in whole or part any such designation.

The commission may designate any improvement or physical feature as a landmark, and may designate any area in the city as a landmark district, or architectural conservation district and may amend any such designation as herein provided upon a finding by the commission that the designation or amendment meets any of the following criteria: - (a) inclusion in National Register of Historic Places as provided in the National Historic Preservation Act of 1966; (b) structures, sites, objects, man-made or natural, at which events occurred that have made an outstanding contribution to, and are identified prominently with, or which best represent some important aspect of the cultural, political, economic, military, or social history of the city, the commonwealth, the New England region or the nation; (c) structures, sites, objects, man-made or natural, associated significantly with the lives of outstanding historic personages; (d) structures, sites, objects, man-made or natural, representative of elements of architectural or landscape design or craftsmanship which embody distinctive characteristics of a type inherently valuable for study of a period, style or method of construction or development, or a notable work of an architect, landscape architect, designer, or builder whose work influenced the development of the city, the commonwealth, the New England region, or the nation.

The commission may designate any area in the city as a protection area as herein provided upon a finding by the commission that the area to be designated is visually related to the landmark, landmark district or architectural conservation district but is not necessarily of sufficient historical, social, cultural, architectural or aesthetic significance to warrant designation as such. In determining the boundaries of a protection area, the commission shall consider the following elements: - (a) major views and vistas of and from the landmark, landmark district, or architectural conservation district as determined by the topographical characteristics and the siting of existing buildings in the area contiguous to the landmark, landmark district or architectural conservation district; (b) pattern of



roads, paths and alleys which determine the size and shape of land parcels and which control vehicular movement to and from the landmark, landmark district or architectural conservation district; (c) contrasts between the scale and density of the landmark, landmark district or architectural conservation district and the improvements under consideration for designation as a protection area. In no case shall the protection area extend more than twelve hundred feet from a boundary of the landmark, landmark district or architectural conservation district.

Prior to the designation or amendment of designation of any landmark, landmark district, architectural conservation district or protection area, an investigation and report on the historical and architectural significance of the structures, sites or objects to be designated shall be made. Such report will also attempt to provide an indication of the economic status of the property or properties under consideration for designation by providing such information as assessed value, recent real estate transactions or other appropriate data. The report shall also recommend the boundaries of any proposed landmark, landmark district, architectural conservation district or protection area and recommend standards to be adopted by the commission in carrying out its regulatory functions provided under section 5 of this act. All recommendations shall be made in consideration of any master plan, zoning requirements, projected public improvements and existing and proposed renewal and development plans applicable to the section of the city to be affected by the designation or amendment or amendment of designation.

In the case of a landmark which is under consideration for designation, the report shall be prepared by the commission with the assistance of its staff or consultants or in the case of a landmark district, architectural conservation district or protection area, the report shall be prepared by a study committee consisting of five members of the commission and six persons who have demonstrated interest in the district or area under consideration and who shall be appointed by the mayor and confirmed by the city council, with the assistance of the commission staff or consultants.

The mayor, any ten registered voters of the city or any commission member may petition the commission to designate a landmark, landmark district, architectural conservation district or protection area or to amend or rescind such a designation, and the commission shall within thirty days next following the filing of such petition hold a preliminary hearing on such petition with the petitioners and arrange for the preparation of a report and, if required, request the appointment of a study committee. The commission shall not reconsider a proposed designation, amendment or rescission of designation within one year of its previous hearing thereon, unless two-thirds of all its members vote to do so. Within twenty-one days after the completion of a report by the commission pertaining to the proposed designation of a landmark or within sixty days after the transmittal of a report of a study committee to the commission pertaining to a proposed designation of a landmark district, architectural conservation district or protection area, the commission shall hold a public hearing. The commission shall give notice of such public hearing by an appropriate advertisement published in a newspaper of general circulation in the city and, if possible, in at least one periodical, if any exist, circulated in the vicinity of the proposed landmark, landmark district, architectural conservation district or protection area at least three weeks prior to the date of the hearing and by mailing a copy of such advertisement to the owner of the proposed landmark and to every owner as appearing on the then most recent tax list of property abutting the proposed landmark or within the proposed landmark district, architectural conservation district or protection area as determined from the records of the assessing department and to the mayor, the Boston Redevelopment Authority, the city clerk, the Office of Public Service, and any other person that may have filed a written request for such notice with the commission. Such request may be made annually in December. Notice of such hearing will announce the availability of a report on the proposed designation. Whenever feasible in the judgement of the commission, such hearing shall be held in the vicinity of such landmark, landmark district, architectural conservation district or protection area.

Prior to the public hearing, the commission shall transmit copies of the report to the Boston

Redevelopment Authority and to the Massachusetts Historical Commission for their respective consideration and recommendations.

Every designation or amendment of designation of any landmark district, architectural conservation district or protection area shall state its location, describe its general characteristics and specify its boundaries, and every designation of any landmark shall state its location, describe its general characteristics and specify the boundaries of its site. Designation of interior portions of improvements shall further specify which rooms, spaces and surfaces are included in such designation.

As part of every such designation or amendment of designation, the commission shall adopt regulations which shall specify general standards and other appropriate criteria consistent with the purposes of this act and the provisions of section 104 which shall be applied by the commission in making any determination under section 105 with respect to the designated landmark or within the designated landmark district or protection area. Such standards and criteria shall be adopted by the commission after it has considered the study report as provided for in this section. Such standards and criteria shall take account of the differences in significance and purpose of designation among a landmark, landmark district, architectural conservation district or protection area; provided, however, that the standards and criteria applicable within any protection area shall relate only to demolition, land coverage, height of structure, landscape or topography.

The commission may designate as a landmark any property located within the city however owned and may include, in any landmark district, architectural conservation district or protection area, any such property, provided that the commission shall not designate as a landmark district, architectural conservation district or protection area that portion of the city bounded and described as follows: - beginning at a point at the intersection of the center line of Massachusetts avenue with the Massachusetts Turnpike Extension, continuing northwesterly along the center line of said Massachusetts avenue to the city boundary with the city of Cambridge in the Charles river, thence turning northeasterly and continuing along the said city boundary to the pierhead line, thence turning southeasterly and continuing along the said pierhead line toward Fort Point channel, continuing southwardly along the middle of said Fort Point Channel to Dorchester avenue, continuing along the center line of said Dorchester avenue to the Broadway bridge, thence turning northwesterly along the center line of the Broadway bridge crossing the John Fitzgerald expressway, continuing along a straight line to the Massachusetts Turnpike Extension, along the center of said Turnpike Extension to the point of origin, except that the foregoing shall not prevent the adoption of historic districts pursuant to the provisions of chapter 40C of the General Laws within the area described herein.

Notwithstanding anything to the contrary herein, no designation of the interior portion of any improvement shall be made unless the notice pursuant to this section and the designation specifically indicates that said interior shall be designated.

Within the Historic Beacon Hill District or Back Bay Residential District, the commission may designate interior portions of structures, and landscape features individually as landmarks in the manner provided herein. The commission may not designate as a landmark district, architectural conservation district or protection area any portion of the Historic Beacon Hill District or Back Bay Residential District, or any portion or any other historic district hereinafter established pursuant to any general or special law.

Every designation, amendment and rescission of designation approved by the commission shall be presented to the mayor for his approval. If he approves it, he shall sign it. If he disapproves it, he shall file it with the city clerk with his objections thereto in writing. Every such designation, amendment or rescission of designation which within fifteen days after its presentation to the mayor is neither signed



by him nor filed with his written objections shall be deemed approved by the mayor after the sixteenth day following such presentation.

Within thirty days of the mayor's approval of a designation, amendment or rescission of designation of a landmark, landmark district, architectural conservation district or protection area pursuant to this section, the city council may override such designation, amendment or rescission of designation of such landmark, landmark district, architectural conservation district or protection area by a two-thirds vote of the council. In the absence of such override or express approval thereof, any such designation, amendment or rescission of designation of any such landmark, landmark district, architectural conservation district or protection area shall be deemed approved by the council after the thirty-first day following such action by the mayor pursuant to this section.

Any designation, amendment of designation and rescission of designation shall become effective upon determination of a designation by the commission provided however that such designation shall be filed promptly thereafter by the commission with the city clerk, the Public Improvement Commission and the building commissioner. No designation of or amendment of such a designation shall be effective as to any person without actual notice thereof or as to any parcel of property until recorded in the Suffolk county registry of deeds and indexed in the grantor index under the name of the record owner or owners thereof and, with respect to registered land, filed in said registry and noted on the certificate of title of the owner or owners. The commission may at any time after notice of a public hearing to consider designation of a landmark under this section, record as above provided, a notice that a designation is under consideration relating to the property, in which case for the period of ninety days after such recording or until the proposed designation is rejected, if such action occurs sooner, such property shall be treated as and entitled to all the protection of a landmark hereunder.

#### Historical Note

St. 1975 c. 772 §4

## § 104

### REGULATORY FUNCTION OF THE COMMISSION

Except as may otherwise be provided by regulations of the commission duly adopted and effective in accordance with section 103 or section 102 and section 103: -

(a) No permit shall be issued by the building commissioner for any reconstruction, restoration, exterior or interior replacement or alteration or demolition of any landmark or for the construction, reconstruction, exterior replacement or alteration or demolition of any improvement not a landmark in any landmark district, architectural conservation district or protection area, unless the application for such a permit shall be accompanied by a certificate issued and effective in accordance with sections 105, 106, and 107;

(b) No permit shall be issued by the Public Improvement Commission or such other agency, if any, of the city as shall have authority to issue such permit for the erection or replacement of any sign, marquee, awning, or other exterior architectural feature to be attached or appurtenant to any landmark or to any improvement not a landmark in any landmark district, architectural conservation district or protection area, unless the application for such permit shall be accompanied by such a certificate;

(c) No reconstruction, restoration, exterior erection, exterior or interior replacement or alteration or demolition not requiring such a building permit or sign permit shall be undertaken by any person or by any officer, department, agency, authority, or board of the city or commonwealth with respect to any landmark, unless such person, officer, department, agency, authority, or board shall first have applied for and received such a certificate;

(d) No construction, reconstruction, exterior erection, replacement or alteration or demolition



not requiring such a building permit or sign permit shall be undertaken by any person or by an officer, department, agency, authority or board of the city or commonwealth with respect to any improvement or architectural feature in any landmark district or architectural conservation district or any improvement in any protection area, unless such person, officer, department, agency, authority or board shall first have applied for and received such a certificate;

(e) The regulatory functions of the commission as described in this section shall extend to any property however owned and designated as a landmark or located in or to be constructed in any landmark district, architectural conservation district or protection area and to plans, projects or work to be executed or assisted by any governmental body or its officers, departments, agencies, authorities or boards and affecting any landmark or any improvement or exterior architectural feature located in or to be constructed in any landmark district, architectural conservation district or protection area.

#### Historical Note

St. 1975 c. 772 §5

### §105

#### APPLICATION FOR CERTIFICATES FROM COMMISSION

Every application for any certificate required by section 104 shall be filed with the secretary of the commission and shall include as appendices a copy of the application, if any, for the building permit or sign permit to be accompanied by such certificate and such plans, specifications and other information as shall be prescribed by the commission in its regulations then in effect.

Within the eight days next following the date of such filing, excluding any Saturday, Sunday, or legal holiday, the commission or such person as the commission shall have duly authorized so to act on its behalf shall determine whether the application shall be acted on as an application for a certificate of design approval to be issued in accordance with section 106 or a certificate of exemption to be issued in accordance with section 107; and if eight days shall expire without any such determination, the commission or authorized person shall thereupon issue a certificate of exemption, provided that no certificate of exemption pursuant to section 107 may be issued until a public hearing has been held as provided hereunder.

Except as otherwise provided in this section, the commission shall hold a public hearing on every application determined, in accordance with sections 105 and 107 to require a certificate of design approval or a certificate of exemption.

The commission shall give at least ten days' prior notice to every hearing provided for in this section by posting notice thereof in the office of the city clerk and mailing copy of such notice to the applicants and to every owner as appearing on the then most recent tax list of property abutting the landmark or improvement which is the subject of the application, the mayor, the Boston Redevelopment Authority and any other person that shall have requested notice of such hearing. Such requests may be made annually in December.

Any such hearing may be conducted by any member or members or employee or employees of the commission duly authorized by the commission so to act on its behalf, in which event such person or persons shall, promptly following conclusion of the hearing, file with the commission a written report on the hearing with recommendations for action by the commission.

As soon as may be convenient following such hearing but not later than the thirtieth day next following the date of filing of the application or such further time as the applicant in writing may

allow the commission, the commission shall determine whether or not the construction, reconstruction, restoration, alteration, erection, replacement or demolition delineated in the application and appendices thereto is consistent with the purposes of this act. Forthwith upon making such determination, the commission shall issue a certificate of design approval or a certificate of exemption or shall state in writing its reasons including such recommendations, if any, as the commission may deem appropriate for not issuing such certificate and shall by certified mail give notice of such determination to the applicant and, whenever a public hearing shall have been held, give notice by regular mail to every person who shall have requested at the public hearing notice of such decision. If the commission shall fail to make such a determination within the said period of time, such application shall be considered approved by operation of law and the commission shall, upon demand of the applicant following expiration of such period, forthwith issue a certificate of exemption.

In making such determination the commission shall consider : (i) the regulations adopted by the commission under section 103 as part of the designation to which the application is subject; (ii) the relationship of the construction, reconstruction, restoration, alteration, erection, replacement or demolition delineated in the application and appendices thereto to the entirety of the landmark, improvement or exterior architectural feature which is the subject of the application, to other physical features or improvements in the landmark district, architectural conservation district or protection area, if any, where such landmark, improvement, or exterior architectural feature is located, and to the historical, social, cultural, architectural or aesthetic significance to the city, the commonwealth, the New England region or the nation of such landmark, improvement, or exterior architectural feature; and (iii) such historical, social, cultural, architectural or aesthetic consideration or considerations, if any, as the commission shall deem significant and directly related to effecting the purposes of this act.

#### Historical Note

St. 1975 c. 772 §6

## §106

### CERTIFICATE OF DESIGN APPROVAL

The commission may incorporate in any certificate of design approval such condition or conditions, if any, as the commission may find necessary or desirable to effect the purposes of this act and specify that certain of such conditions shall be covenants running with the land. Prior to any such incorporation, the commission may advise the applicant of the proposed condition or conditions and invite his comments thereon and, in accordance with the procedures and criteria of this section, may at any time and from time to time modify or remove any condition so incorporated.

No certificate of design approval issued by the commission subject to any condition which has been specified as a covenant running with the land, nor any action by the commission modifying or removing any such condition, shall take effect until notice thereof shall have been recorded in the Suffolk County registry of deeds. Such notice shall contain the name and address of the owner as appearing on the then most recent tax list of the property which is the subject of the application, shall identify such property, shall state the date and docket number of the commission's determination on the application and shall summarize every such condition. Such notice shall be indexed in the grantor index under the name of such owner, and the fee for such recording shall be paid by the applicant.

#### Historical Note

St. 1975 c. 772 §7



## §107

## CERTIFICATE OF EXEMPTION

A certificate of exemption shall be issued by the commission in response to every application determined, in accordance with section 105, to delineate: (i) only ordinary maintenance and repair involving no change in design, material, color and outward appearance, or any of them; or (ii) any construction, reconstruction, restoration, alteration, erection, replacement or demolition which the building commissioner shall have certified as being required to remove or rectify a condition dangerous to the public safety; or (iii) any construction, reconstruction, restoration, alteration, erection, replacement or demolition authorized under any building permit or sign permit duly issued prior to the effective date of this act.

Such a certificate may be issued by the commission in response to any application whenever, in accordance with section 105, it shall be determined: (i) that the construction, reconstruction, restoration, alteration, erection, replacement or demolition delineated in the application and appendices thereto would not materially impair the historical, social, cultural, architectural or aesthetic significance of the landmark or improvement which is the subject of the application and the landmark district or architectural conservation district, if any, in which such landmark or improvement is located; and (ii) that failure to issue such certificate would impose substantial hardship on the applicant. The applicant shall be required to produce evidence of substantial hardship, which may include evidence that the property which is the subject of the application is not capable of earning a reasonable return. The commission shall review such evidence and make a finding as to whether substantial hardship would result from failure to issue a certificate of exemption. Notwithstanding any other provisions hereunder, the commission may postpone a final determination on the application for up to ninety days from the date of the hearing held pursuant to section 105, during which time it shall endeavor to devise, in consultation with the applicant, a plan whereby, through such actions as are necessary or appropriate, the landmark or improvement may be preserved.

## Historical Note

St. 1975 c. 772 §8

## §108

## APPEALS

Any person aggrieved by a designation of the commission or any applicant for a certificate aggrieved by a determination pertaining to that certificate of the commission may, within thirty days next following date of such designation or determination, appeal the designation or determination to the superior court for Suffolk county.

Upon every such appeal, the court shall hear all pertinent evidence and, on the basis thereof, shall affirm the designation or determination of the commission or, if it finds the decision of the commission to be unwarranted by the evidence or to exceed the authority of commission, or to damage the owner of the property unreasonably in comparison to the benefit conferred on the public, shall annul the designation or determination of the commission in whole or in part or remand the case for further action by the commission or make such other decree as justice and equity may require, including requiring that notice of such decision be recorded. The remedy provided by this section shall be exclusive, but the parties shall have all rights or exception and appeal as in other cases. Costs shall not be allowed against the commission or any appellant unless the court shall find that the commission's determination shall have been made, or the appellant's appeal shall have been taken in bad faith.

## Historical Note

St. 1975 c. 772 §9



## §109 ENFORCEMENT

Whoever, without the certificate required by and effective in accordance with this chapter, shall undertake any (i) reconstruction, restoration, exterior erection, exterior or interior replacement or alteration or demolition of any landmark or any (ii) construction, reconstruction, exterior erection, replacement or alteration or demolition with respect to any exterior architectural feature in any landmark district, architectural conservation district or protection area shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars; and whoever, after having received from the commission appropriate notice to desist, shall, in violation of this chapter, permit any exterior architectural feature of any landmark or in any such district or area to continue to exist shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars. A separate offense shall occur every day during any portion of which any such violation shall transpire.

Upon petition of the commission, the superior court for Suffolk county may restrain any construction, reconstruction, restoration, erection, replacement, alteration, or demolition in violation of this act and may order the removal in whole or part of any exterior architectural feature permitted to exist in violation of this act and may order such reconstruction or restoration as may be necessary or desirable to redress any alteration or demolition undertaken in violation of this act.

## Historical Note

St. 1975 c. 772 §10

## §110 OTHER FUNCTIONS OF COMMISSION

The commission may conduct and direct continuing studies of areas, physical features and improvements in the city which are known to or shall be brought to the attention of the commission as possible landmarks, landmark districts, architectural conservation districts or protection areas, may from time to time make appropriate reports on such studies, may carry on educational activities in furtherance of the purposes of this act and shall advise such other officials of the city as the mayor may from time to time specify and may advise any official of the city, the commonwealth, the New England region or the nation who may request such advice.

The commission or its members shall be deemed for all purposes to be an historic district study committee as provided under chapter 40C of the General Laws, but if in case the provisions of said chapter 40C shall conflict with this act, the provisions of this act shall govern.

The commission shall be deemed for all purposes to be the historical commission of the city and shall have all the powers of a historical commission under section 8D of chapter 40 and under chapter 40C of the General Laws; but if in any case the provisions of said section 8D of chapter 40 or chapter 40C shall conflict with this act, the provisions of this act shall govern.

In the name of the city and in order to effect the purposes of this act, the commission may, with the consent of the mayor and council, apply for any gift or grant of any property and any form of subvention and subject to the consent of the mayor and council, may receive any such gift, grant, or subvention and acquire by gift, purchase, grant, bequest, devise, lease, or otherwise the fee, any lesser interest, development right, easement, including any scenic easement, covenant, or other contractual right, including conveyances on conditions or with limitations or reversions, in any property in the city. The commission may, with the consent of the mayor and council, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this act, and, with consent of the mayor and council, may, notwithstanding any provision of law or

ordinance to the contrary, for the purpose of matching or qualifying for such a grant, grant-in-aid, gift or bequest, obligate the expenditure of funds which the commission may have, or have appropriated to it, whether or not the same is to be spent within the then current municipal or fiscal year.

Upon written request by the commission of the mayor, the city, by a two-thirds vote of the council and the consent of the mayor, may, in order to effect the purposes of this act, take by eminent domain under chapter 79 of the General Laws any real estate or interest therein located in the city; and, by such vote and such consent, the city may appropriate and expend money for the purpose of paying, in whole or in part, any damages for which the city may be liable by reason of any such taking.

All property so received, acquired, or taken shall be under the care, custody and control of the commission in the name of the city.

In the name of the city, in order to effect the purposes of this act, and subject to the consent of the mayor and city council, the commission may, by sale, barter, or other exchange, convey with or without deed restrictions or other protective encumbrances or otherwise transfer any property managed and controlled by it.

Historical Note

St. 1975 c. 772 §11

§111

SEVERABILITY

The provisions of this act are severable; and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provisions of this act.

Historical Note

St. 1975 c. 772 §12

Chapter 5 -- Economic Development and Industrial Corporation  
(Prepared by Alison Chalmers, Legal Assistant)

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§200

## DEFINITIONS

In this chapter, unless a contrary intention clearly appears, the following words shall have the following meanings: --

- (a) "City", the city of Boston.
- (b) "Corporation", the Economic Development and Industrial Corporation of Boston created by section 202.
- (c) "Cost of a project:", all costs (whether incurred prior to or after the issue of bonds or notes hereunder) of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after the completion or estimated completion date of any project, planning, engineering and legal services, administrative expenses, the funding of notes issued for capital purposes, such reserves for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.
- (d) "Economic development plan," a detailed plan, as it may be approved from time to time by the city council and the mayor under section 205, for one or more economic development projects within an economic development area, which plan shall be consistent with local objectives respecting appropriate land uses, and shall be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition removal, and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum



densities and building requirements; provided, however, that without specific approval of the city council and of the mayor no economic development plan shall propose zoning changes to or from business or residential uses or provide for any office building other than one wholly incidental to a manufacturing or industrial use within the area.

(e) "Economic development area", any blighted open area or any decadent area, as respectively defined in section one of chapter 121B of the General Laws, which is located in the city, and is zoned for general or restricted manufacturing uses or for general or waterfront industrial uses, whether restricted or not, and within which there are not more than 45 dwelling units.

(f) "Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area covered by an economic development plan and for clearance and development of the land so acquired; or (2) a project for the rehabilitation or conservation of an economic development area, or for the restoration and renewal of any such area or portion thereof, or for the demolition, removal or rehabilitation of improvements on land within an economic development area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards or eliminate obsolete or other uses detrimental to the public welfare; or (3) a project involving any combination of the foregoing types of project. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation of any site for any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial or manufacturing uses in accordance with the economic development plan. An economic development project may also include the construction by the corporation of any buildings, structures or other facilities for industrial or manufacturing uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in the area covered by the economic development plan and which, under such plan, are to be repaired, moved or rehabilitated.

#### Historical Note

St. 1971 c. 1097 §1

## §201

### STATEMENT OF FINDINGS

It is hereby declared that decadent or blighted open areas exist in parts of the city zoned for industrial or manufacturing uses; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the city; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of the city and retards the economic well being of the commonwealth; that each decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries, and attract new industries, and promote the sound economic growth of the city; that the menace of such decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that the acquisition of property for the purpose of eliminating decadent, substandard or blighted open conditions therein, preventing recurrence of such conditions in the area, the removal of structures and improvement of sites for manufacturing and industrial uses, the disposition of the property for redevelopment incidental

to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the city or any other public body in connection therewith are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, development, rehabilitation or rebuilding of such decadent and blighted open areas for industrial or manufacturing purposes are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of the city and of this commonwealth.

It is hereby further found and declared that there exists in the city a condition of substantial and persistent unemployment and underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of the city and adversely affects the welfare and prosperity of the people; that unemployment and underemployment have been caused in part by industrial and manufacturing companies moving from the city; that many existing industrial and manufacturing facilities within the city are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating additional unemployment; that such obsolescence and abandonment of existing facilities are causing serious injury to the economy of the city; that the manufacturing and industrial sector of the economy provides the best opportunity for better jobs at higher wages for inhabitants of the city; that new industrial and manufacturing sites are required to attract and house new industries and to retain existing industries in need of expansion space; that the unaided efforts of private enterprise have not provided and cannot provide the necessary industrial sites within the urban environment due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate industrial development projects.

#### Historical Note

St. 1971 c. 1097 §2

## §202

### CREATION OF CORPORATION

There is hereby created a public body politic and corporate to be known as the Economic Development and Industrial Corporation of Boston, in this chapter called the corporation, which shall be an instrumentality of the commonwealth, consisting of seven members appointed by the mayor of the city subject to confirmation by the city council of the city, two of whom shall at all times be members of the development and industrial commission of the city. At least one member shall be experienced in financial matters, one in real estate matters and one in municipal government; and at least one member shall be a person of low income. The mayor shall designate one of the seven members as chairman and another as vice-chairman. Each of the seven members shall be sworn to the faithful performance of his official duties as a member of the corporation. A majority of the seven members shall constitute a quorum for the transaction of any business, but the action of a majority of the entire membership shall be required for any transaction. For the purposes of section 11A of chapter 30A of the General Laws, the corporation shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth.

Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three



years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the mayor for malfeasance, misfeasance or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived. For the purposes of chapter 268A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this chapter, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the corporation counsel of the city and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder; but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

The corporation shall at least once every three months consult concerning industrial development policies and programs with the development and industrial commission of the city, which shall serve as an advisory council to the corporation.

#### Historical Notes

St. 1971 c. 1097 §3

## §203

### GENERAL POWERS AND DUTIES

The members of the corporation shall adopt a corporate seal for the corporation and designate the custodian thereof; may from time to time appoint and at pleasure remove a director, a clerk, a treasurer or such other officers of the corporation as they may deem necessary and may determine their duties and their compensation, which shall be paid by the corporation; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually in December to the mayor, the city council and the city clerk containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof and such other detailed information as may be deemed helpful. The offices of treasurer and clerk may be held by the same person. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as an item of current expense. Except as otherwise provided in this chapter the corporation shall have full power to exercise care of its property and the management of its business and affairs and to sell and convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the members, or in like manner to authorize such sale and conveyance by any of its officers or agents. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the members may determine, the



premium therefor to be paid by the corporation. Neither chapter 31 of the General Laws nor any rule made thereunder shall apply to any person employed or engaged by the corporation under this chapter.

#### Historical Note

St. 1971 c. 1097 §4

## §204

### SPECIFIC POWERS

The corporation is hereby authorized:

- (a) To sue and be sued in its own name and plead and be impleaded.
- (b) To adopt by-laws for the regulation of its affairs and the conduct of its business and to alter the same at its pleasure.
- (c) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in its judgment and to fix their compensation.
- (d) To receive and accept from any federal agency or the commonwealth or the city grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made.
- (e) To borrow money, and, from time to time, to make, accept, endorse, execute and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payments for property acquired or for any of the other purposes of the corporation and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights or privileges of the corporation.
- (f) To issue revenue bonds of the corporation, payable solely from revenues, for the purpose of paying all or any part of the cost of a project or projects.
- (g) To invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States.
- (h) To provide such advisory services and technical assistance as may be desirable to carry out the purposes of chapter 1097 of the acts of 1971.
- (i) To prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates.
- (j) Subject to the approval of the city council and of the mayor, to designate areas of the city as economic development areas.
- (k) To acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and, without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of chapter 79 or 80A of the General Laws insofar as such provisions may be applicable, such

private lands, or any interest therein, as it may deem necessary for carrying out the provisions of this chapter or for providing for the relocation of persons and businesses displaced as a result of carrying out an economic development plan. The provisions of section forty of said chapter 79 shall apply to any taking by the corporation except that the security therein required shall be deposited with the collector-treasurer of the city and shall be in an amount at least twenty-five percent higher than the aggregate average assessed valuations in the three previous calendar years of all real estate to be taken by eminent domain. Prior to the approval of an economic development plan by the city council and the mayor, the corporation shall neither acquire any property nor institute any proceeding under chapter 80A except for purposes of relocation; provided, however, that if an economic development plan contemplates the taking by eminent domain of lands particularly described therein, and if the plan is approved by the city council and the mayor, the date as of which the value of such lands shall be determined for eminent domain purposes shall be the date on which the economic development plan was first submitted to the city council.

(l) To make relocation payments to persons and businesses displaced as a result of carrying out an economic development plan, including such payments on a pro tanto basis.

(m) To procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.

(n) To clear and improve property acquired by it and to engage in or contract for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof.

(o) To arrange or contract with the city for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the city of property or property rights or for the furnishing of property or services in connection with a project or projects.

(p) To sell, convey, mortgage, lease, transfer, option, exchange or otherwise dispose of any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.

(q) To loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default and to bid for and purchase property at any foreclosure or other sale; and, in such event, to deal with such property, in such manner as may be necessary or desirable to protect the interests of the corporation therein.

(r) To manage any project whether owned or leased by the corporation and to enter into agreements with the commonwealth or the city or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any project to be managed.

(s) To act with respect to one or more projects as a corporation organized under section three or section 18B of chapter 121A of the General Laws; provided that the accounts for each project shall be kept separately and the income of one project shall not be expended upon or for the benefit of another project.

(t) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

The corporation is hereby directed to pay the reasonable relocation costs of persons and businesses displaced as a result of carrying out an economic development plan as authorized by clause (1) of this section; provided, that the corporation shall not be required hereby to pay or contribute to the payment of such costs of any relocatee in excess of twenty-five thousand dollars.

#### Historical Note

St. 1971 c. 1097 §5



## §205

## ECONOMIC DEVELOPMENT PLAN

No economic development project shall be undertaken until (a) a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice and (b) the economic development plan has been approved by the city council and the mayor, except that if within ninety days after the submission of an economic development plan to the city council for approval, the city council has not voted to disapprove it, such plan shall be deemed to have been approved by the city council. If no economic development project covered by an economic development plan is commenced within seven years after the approval of such plan, the approval of such plan shall lapse.

Every economic development plan submitted to the city council for approval under this chapter (i) shall require that every person occupying the whole or any part of the economic development area covered by such plan during the period of forty years after the approval of such plan shall make every reasonable effort, in employing persons in his business, to give to the fullest practicable extent preference to residents of the city and (ii) shall be accompanied by a report on such plan by the planning agency of the city to whom such plan shall have been submitted before its submission to the city council, by a statement of the proposed method for financing each project covered by such plan, by a comprehensive relocation plan and by such other information as the corporation deems advisable.

Notice of the public hearing required by the first paragraph of this section shall be given by the corporation to (1) such persons, groups and organizations as have requested in writing that such notice be given them, (2) every public agency, whether of the city or of the commonwealth, likely in the judgment of the corporation to have an actual or potential interest in the economic development plan, (3) the senator for every senatorial district of the commonwealth, and the representative of the district thereof, within which the economic development area or any part thereof lies, and (4) each community group supported in whole or in part by public funds, whose territory covers all or part of the economic development area. In the course of preparing an economic development plan, the corporation shall consult with each of the aforesaid so far as in the judgment of the corporation it is practicable.

If an economic development plan is approved by the city council and the mayor, the corporation shall have the powers and duties imposed by this chapter to undertake and carry out the economic development projects covered by such plan. The corporation shall not be required to submit an economic development plan so approved to the department of community affairs of the commonwealth for further approval.

## Historical Note

St. 1971 c. 1097 §6

## §206

## RENTS AND CHARGES

Rents and charges for services or facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof and, if derived from a project in connection with which revenue bonds have been issued, shall, with all other revenues derived from the project, except such part thereof as may be necessary to pay such cost of maintenance,



repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust agreement, but including such part thereof as may be necessary to provide such reserves for the payment of the principal of and the interest on the revenue bonds as may be provided for in such resolution or trust agreement, and including also the proceeds of any and all sales by the corporation of property within the project area, be set aside at such regular intervals as may be provided for in such resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.

Historical Note

St. 1971 c. 1097 §7

§207

LIABILITY OF THE CORPORATION

The corporation shall be liable in contract or in tort in the same manner as a private corporation. The members, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of such agency to pay such judgment. The real estate of the corporation shall not be subject to liens under chapter 254 of the General Laws, but the provisions of sections 28 and 29 of chapter 149 of the General Laws shall be applicable to any construction work by the corporation.

Historical Note

St. 1971 c. 1097 §8

§208

EXEMPTION FROM TAXATION; PAYMENTS IN LIEU OF REAL PROPERTY TAXES

The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments, the city may determine a sum to be paid to the city annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.

The city may, however, agree with the corporation upon the payments to be made to the city or the corporation may make and the city may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation. The last paragraph of section six and all of section seven of chapter 59 of the General Laws shall, sofar as apt, be applicable to payments under this section.

Nothing in this chapter shall be construed to prevent the taxation to the same extent and in the same manner as other real estate is taxed of real estate acquired by the corporation for an

economic development project and sold by it, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate so acquired by the corporation and leased by it; provided, however, that real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter 121A of the General Laws, or to an insurance company or savings bank or group of savings banks operating under said chapter, shall be taxed as provided in said chapter and not otherwise.

The corporation and the debentures, revenue bonds and revenue refunding bonds issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or any subdivision thereof.

#### Historical Note

St. 1971 c. 1097 §9

## §209

### DEBENTURES

To provide funds for the general purposes of the corporation, including working capital, the corporation may from time to time issue debentures; provided, however, that such debentures outstanding at any one time shall not exceed five million dollars. Such debentures shall not be deemed to constitute a debt of the commonwealth or of the city or a pledge of the faith and credit of the commonwealth or of the city and shall be subordinated to all other obligations of the corporation and shall be payable at such time or times and in such installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation and shall be payable at such time or times and in such installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon but only out of the net earnings of the corporation and in no event at a rate higher than the rate specified therein.

Such debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be located within the commonwealth and shall be a trust company or bank having the powers of a trust company. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the debentureholders as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository under such trust agreement to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreements shall set forth the rights and remedies of the debentureholders and of the trustee and may restrict the individual right of action by debentureholders. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the debentureholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as an item of current expense.

Debentures may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or of any political subdivision thereof and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by chapter 1097 of the acts of 1971.

#### Historical Note

St. 1971 c. 1097 §10



## §210 FINANCIAL AID FROM THE CITY

The city may raise and appropriate or may borrow or may agree with the corporation or with the federal government or the commonwealth to raise and appropriate or to borrow, in aid of the corporation, such sums as may be necessary to carry out the purposes and powers of the corporation including defraying part of the development, acquisition and operating costs of any project; provided, however, that the city shall not borrow, nor agree to borrow, as aforesaid unless authorized by a vote of two thirds of all the city councillors passed only after two separate readings and by two separate votes, the second of such readings and votes to be had not less than fourteen days after the first. Indebtedness of the city authorized under this section shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws and shall be payable within twenty years and otherwise subject to sections 16 to 27, inclusive, of said chapter 44; provided, however, that the total amount of indebtedness of the city outstanding at any one time under this section and clauses (1), (2) and (4) of section 20 of chapter 121B of the General Laws shall not exceed five per cent of the city's equalized valuation as defined in section 1 of said chapter 44. Indebtedness incurred under this chapter shall be subject to approval under section 22 of said chapter 121B in like manner as indebtedness incurred under said section 20.

## Historical Note

St. 1971 c. 1097 §11

## §211 REVENUE BONDS

The corporation is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the corporation for the purpose of paying all or any part of the cost of a project or projects. The principal of and interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rates, and shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the corporation, and may be made redeemable before maturity, at the option of the corporation, at such price or prices and under such terms and conditions as may be fixed by the corporation prior to the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or registered form, or both, as the corporation may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The corporation may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the corporation.

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide. Prior to the preparation of definitive bonds, the corporation may, under like



restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth or of any political subdivision thereof and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this chapter.

The corporation is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this chapter, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the corporation, for the additional purpose of constructing or reconstructing any extensions or improvements of the project. The issue of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the corporation in respect of the same shall be governed by the provisions of this chapter insofar as the same may be applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.

Revenue and revenue refunding bonds issued under the provisions of this section shall not be deemed to constitute a debt of the commonwealth or of the city or a pledge of the faith and credit of the commonwealth or of the city, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the city shall be obliged to pay the same or the interest thereon except from revenues and that neither the faith and credit nor the taxing power of the commonwealth or of the city is pledged to the payment of the principal of or the interest on such bonds.

All revenue and revenue refunding bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of Uniform Code of this commonwealth.

#### Historical Note

St. 1971 c. 1097 §12

## §212

### TRUST AGREEMENT

In the discretion of the corporation such revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or part thereof.

Either the resolution providing for the issuance of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including (without limiting the generality

of the foregoing) provisions defining defaults and providing for remedies in the event thereof (which may include the acceleration of maturities) and covenants setting forth the duties of, and limitations on, the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. Such resolution or trust agreement may also contain covenants by the corporation in relation to, among other things, (a) the establishment, revision and collection of such rents and charges for services or facilities furnished or supplied by the corporation as shall provide revenues sufficient with other revenues of the project, if any, to pay (i) the cost of maintaining, repairing and operating the project and of making renewals and replacements in connection therewith, (ii) the principal of and the interest on revenue bonds as the same shall become due and payable, (iii) payments in lieu of taxes, betterments, and special assessments, and (iv) reserves for all of such purposes, (b) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof, (c) the use and disposition of the gross revenues of the corporation from the project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the project, (d) the amount, if any, of additional revenue bonds payable from the revenues of the project and the limitations, terms and conditions on which such additional revenue bonds may be issued, and (e) the operation, maintenance, management, accounting and auditing of the project and of the income and revenues of the corporation. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the project. The pledge by any such trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and vinding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the corporation, and no filing need be made under the Uniform Commercial Code.

#### Historical Note

St. 1971 c. 1097 §13

### §213

#### BONDS ELIGIBLE FOR INVESTMENT

Revenue bonds and revenue refunding bonds issued under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section 54 of chapter 172 of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature



may properly and legally invest funds, including capital in their control or belonging to them; and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section 50 of chapter 168 of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

Historical Note

St. 1971 c. 1097 §14

§214

REMEDIES

Any holder of bonds or debentures issued under the provisions of this chapter or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this chapter or by the trust agreement to be performed by the corporation or by any officer thereof.

Historical Note

St. 1971 c. 1097 §15

§215

INCONSISTENT PROVISIONS OF OTHER LAWS SUPERSEDED

Insofar as the provisions of chapter 1097 of the acts of 1971 are inconsistent with the provisions of any other law, general or special, excluding the Boston Building Code and the Boston Zoning Code, the provisions of said chapter 1097 shall be controlling.

Historical Note

St. 1971 c. 1097 §16

§216

SEPARABILITY

The provisions of chapter 1097 of the acts of 1971 are severable; and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Historical Note

St. 1971 c. 1097 §17

§217

CONSTRUCTION OF ACT

Chapter 1097 of the acts of 1971, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect the purpose thereof; and nothing in this chapter shall be construed to render chapter 40D of the General Laws inapplicable to the city.

Historical Note

St. 1971 c. 1097 §18



Chapter 7 -- Development and Industrial Commission

[ No Statutes apply. See Ordinances and Regulations.]

Chapter 9 -- Boston Industrial Development Financing Authority  
(Prepared by Harold Carroll, Assistant Corporation Counsel)

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No Special Statutes or Ordinances Apply.

See G.L. c. 40 D. Chapter 772 of the Acts of 1967 authorized the establishment of Industrial Development Financing Authorities to enable municipalities to stimulate industrial activity by financing acquisition, construction, or enlargement of industrial projects through the issuance of revenue bonds. By later amendments, such authorities were authorized to finance waste disposal systems under certain conditions. By Order dated September 30, 1968, and approved by the Mayor on October 15, 1968, the Boston City Council authorized the establishment of the Boston Industrial Development Financing Authority. The Certificate of Organization issued by the Secretary of the Commonwealth on October 27, 1972 does not include authority to finance waste disposal facilities. The Mayor's Office of Commerce and Manpower administers the Authority in Boston, and the Massachusetts Department of Commerce and Development provides assistance.

Chapter 11 - Public Improvement Commission

(To be prepared by William McDermott, Assistant Corporation Counsel)

Sec.

500

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Due to the exigencies of Mr. McDermott, this chapter is not yet completed. Upon completion it will be included here as Title 8, chapter 11.

Chapter 13 -- Model City Agency

No Special Statutes apply. See Ordinances and Regulations.



## TITLE 9

## BUILDING REGULATION

Chap.		Sec.
1	Housing Inspection Department	
	Division of Weights and Measures . . . . .	10
3	Building Department	
	Fence Viewers . . . . .	61
5	Board of Appeal . . . . .	150
7	Zoning Commission . . . . .	200
9	Beacon Hill Architectural Commission . . . . .	250
11	Back Bay Architectural Commission . . . . .	300
13	Board of Examiners . . . . .	350

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Chapter 1 -- Housing Inspection Department

[See Ordinances and Regulations. See also G.L. c. 111 §§127-127 ; c. 239 §§2A, 8A:  
c. 186 §14, Statutes, Title 14 §171.]

Division of Weights and Measures

(Prepared by Samuel B. Spencer, Assistant Corporation Counsel)

Sec.

10 Division of Weights and Measures. Officers. Duties, Etc.

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§10 DIVISION OF WEIGHTS AND MEASURES. OFFICERS, DUTIES, ETC.

There shall be in the housing inspection department of the city a division, known as the weights and measures division, under the charge of a sealer appointed by the mayor subject to the civil service law and rules. The mayor may likewise subject to the civil service law and rules appoint for such bureau a chief deputy sealer and not exceeding seventeen deputy sealers. The sealer shall have the powers and perform the duties from time to time conferred or imposed by general laws applicable to the city on sealers appointed under section 34 of chapter 98 of the General Laws, shall have direction of the deputy sealers, shall keep records showing the work done and the fees earned, in the weights and measures division, and shall daily pay over to the collector-treasurer of the city all fees received by him or the deputy sealers, who shall perform the work respectively assigned to them by the sealer and shall daily pay over to him all fees received by them.

Historical Note

St. 1965 c. 656 §8

Cross Reference

Statutes, Title 12 §3(m)

Chapter 3 -- Building Department

(Prepared by Norman C. Ross, Assistant Corporation Counsel)

On January 1, 1975 the Boston Building Code, St. 1938 c.479 as amended was repealed by St. 1972 c.802 §64. St. 1972 c.802 (see G.L. c.23B §§16-23) established the State Building Code Commission which promulgated the State Building Code, copies of which are available for \$10.00 at the Office of Rules and Regulations, Room 235B, State House, Boston. However, St. 1972 c.802 §52, G.L. c.143 §92, provides that where a permit has been issued before January 1, 1975 under the Boston Building Code and work promptly begun (within six months) that the permit shall not be affected by the new code. Thus, although no new copies of the Boston Building Code are being printed, its applicability will continue to extend to this class of buildings. Copies of the repealed Boston Building Code are available to the public in the Building Department, room 807, City Hall, Boston.

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Fence Viewers

Sec.

61 Fence Viewers. Appointment, Powers, Duties, Fees, Etc.

§61 FENCE VIEWERS. APPOINTMENT, POWERS, DUTIES, FEES, ETC.

The fence viewers shall be two inspectors in the building department, to be designated by the mayor, and the inspectors so designated shall have the powers and perform the duties of fence viewers, as provided by law. The inspectors shall be empowered to collect such fees as are allowed by law to fence viewers, and all fees so collected shall be paid into the treasury of the city.

## Historical Note

St. 1911 c. 76

## Cross Reference

G.L. c. 49 §1

Chapter 5 - Board of Appeal

(Prepared by Sheldon Drucker, former Assistant Corporation Counsel  
and Norman C. Ross, Assistant Corporation Counsel)

Sec.

150	Board of Appeal. Appointment, Term, Compensation, Etc.
151	Jurisdiction
152	Procedure

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§150 BOARD OF APPEAL. APPOINTMENT, TERM, COMPENSATION, ETC.

There is hereby established in the city of Boston a board to be called the board of appeal, and to consist of five members appointed by the mayor in the following manner: - the first member from two candidates, one to be nominated by the Boston Real Estate Board and one by the Massachusetts Real Estate Board; the second member from two candidates, one to be nominated by the Boston Society of Architects and one by the Boston Society of Civil Engineers; the third members from three candidates, one to be nominated by the Master Builders Association, one by the Building Trades Employers' Association and one by the Building Contractors Association of Massachusetts, Inc., the fourth member from two candidates to be nominated by the Building Trades Council of Boston and Vicinity; and the fifth member to be selected by the mayor. Appointments to the board shall be for terms of five years. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made. Each member of the board of appeal shall receive for every day or part thereof of actual services twenty dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor; but no member shall so receive in any one year more than fifteen hundred dollars or such other sum as may be fixed by the city council with the approval of the mayor. No member shall act in a case in which he has a personal interest, and when a member is so disqualified, or absent, the remaining members shall designate a substitute. Members of the board shall be residents of or engaged in business in the city. The board shall establish rules and regulations for its own procedure not inconsistent with this code.

## Historical Notes

- St. 1892 c. 419 §12
- St. 1907 c. 550 §6
- St. 1938 c. 479 §117
- St. 1949 c. 201 §1
- St. 1952 c. 212 §1
- St. 1956 c. 665 §8
- St. 1972 c. 802 §§64,66

## Cross References

- St. 1972 c. 802 §66A (Provides for holdover of present members)
- G.L. c. 40A, §§14,15,18
- G.L. c. 41 §§18A,81AA



## §151 JURISDICTION

Any board or officer of the city or any person aggrieved by reason of being refused a permit by any administrative official under the provisions of the state building code or by reason of any order or decision of the building commissioner or other administrative official in violation of any provision of the state building code or any zoning regulation or amendment thereof adopted under the state building code may appeal to the board of appeal within forty-five days after such refusal, order or decision by paying to the building commissioner a fee of twenty-five dollars or such other sum as the city council with the approval of the mayor may from time to time prescribe, and by filing with the board or officer from whose refusal, order or decision the appeal is taken a notice of appeal specifying the grounds thereof. Such board or officer shall forthwith transmit to the board of appeal such notice of appeal and all documents and papers constituting the record of the case in which the appeal is taken.

## Historical Note

St. 1972 c. 802 §66

## §152 PROCEDURE

The board of appeal shall fix a reasonable time for the hearing of any appeal and give public notice thereof in a newspaper of general circulation in the city, and also send notice by mail, postage prepaid, to the appellant and to the owners of all property deemed by the board of appeal to be affected thereby, as they appear on the then most recent local tax list and to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to the planning board. At the hearing any party whether entitled to notice thereof or not may appear in person or by agent or attorney. No such hearing shall be held on any day on which a state or municipal election, preliminary election or primary is held in such city.

In acting upon such appeal, the board of appeal may, in conformity with the provisions of St. 1956 c. 665, reverse or affirm in whole or in part, or may modify, any order or decision, and may make such order or decision as ought to be made, and to that end shall have all the powers of the board or officer from whom the appeal is taken and may direct the issue of a permit. The concurring vote of four fifths of all the members of the board of appeal shall be necessary to reverse any order or decision of any administrative official under St. 1956 c.665, or to decide in favor of the applicant on any matter upon which it is required to pass under any zoning regulation or amendment thereof, or to effect any variance in, or exception to, the application of any such regulation or amendment.

The board of appeal shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating herein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid, to the planning board, and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent.

## Historical Notes

St. 1956 c. 665 §8  
St. 1973 c. 296 §4

Chapter 7 -- Zoning

(Prepared by Sheldon Drucker, former Assistant Corporation Counsel  
and Norman C. Ross, Assistant Corporation Counsel)

Sec.

200	Zoning Commission. Members, Appointment, Term, Compensation, Etc.
201	Zoning Regulations. Purposes
202	Zoning Regulations. Method of Adopting and Amending
203	Zoning Regulations. Non-conforming Uses
204	Zoning Regulations. Building Under Construction
205	Zoning Regulations. Exemption of Public Service Corporations
206	Zoning Regulations, Withholding Licenses and Permits for Violation of
207	Zoning Regulations, Appeals Under
208	Zoning Regulations. Variances
209	Zoning Regulations. Exceptions
210	Zoning Regulations. Appeals from Decisions of Board of Appeal
211	Zoning Regulations. Enforcement by Injunction

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The Zoning Commission was designated part of the city planning department by Statute 1956 chapter 665, section 1, until changed by the city council and mayor. Under authority granted by St. 1953 c. 473, the Zoning Commission was placed in the building department by ordinance. See Rev. Ord. 1961 c. 9 §10.

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§200

#### ZONING COMMISSION. MEMBERS, APPOINTMENT, TERM, COMPENSATION, ETC.

There shall be in the planning department, or in such other department as the city council of said city with the approval of the mayor of the city shall from time to time determine, a board, known as the zoning commission, consisting of eleven zoning commissioners appointed by the mayor subject to confirmation by the city council as follows: - one commissioner from two candidates nominated by the Associated Industries of Massachusetts, one commissioner from two candidates nominated by the Boston Central Labor Union, one commissioner from two candidates nominated by the Boston Real Estate Board, one commissioner from two candidates nominated one by The Boston Society of Architects and one by the Boston Society of Landscape Architects, one commissioner from two candidates nominated by the Boston Society of Civil Engineers, one commissioner from two candidates nominated by the Greater Boston Chamber of Commerce, one commissioner from two candidates nominated by the Massachusetts Motor Truck Association, Inc., one commissioner from two candidates nominated by the Master Builders Association of Boston, and three commissioners selected at large by the mayor of whom one shall own alone or with one or more other persons, and shall occupy in whole or in part as his place of residence, a dwelling house having not more than three dwelling units. All zoning commissioners shall be residents of Boston; provided, that any person who on the acceptance of this act is a member of the board of zoning adjustment of said city may be a zoning commissioner irrespective of his place of residence.

The zoning commissioners initially appointed under this section shall serve, in the case of the commissioners appointed upon nomination of the Associated Industries of Massachusetts, the Boston



Central Labor Union, and the Boston Real Estate Board, for a term expiring three years, in the case of the commissioners appointed upon nomination of The Boston Society of Architects or the Boston Society of Landscape Architects, the Boston Society of Civil Engineers, and the Greater Boston Chamber of Commerce, for a term expiring two years, and in the case of the commissioners appointed upon nomination of the Massachusetts Motor Truck Association, Inc., and the Master Builders Association of Boston, for a term expiring one year, from May first, nineteen hundred and fifty-eight. The other zoning commissioners initially appointed under this section shall serve, according to the provisions of their respective appointments, for terms expiring, in the case of one commissioner, three years, in the case of another commissioner, two years, and in the case of the other commissioner, one year, from said May first. As the term of any zoning commissioner initially appointed, or of any subsequent zoning commissioner, expires, his successor shall be appointed in like manner as such commissioner for a term of three years. Any vacancy in the office of a zoning commissioner shall be filled in the same manner for the unexpired term.

The zoning commission shall elect one of its members as chairman and another as vice-chairman. The zoning commission shall also elect a secretary, who need not be a member of the commission. The members of the zoning commission shall serve without compensation but shall be reimbursed for their traveling and other expenses incurred in the performance of their duties. The zoning commission shall cause to be made a detailed record of all its proceedings, which record shall include the vote of each member participating in its decisions, and the absence of a member or his failure to vote.

The zoning commission shall not be subject to the supervision or control of the officer or board in charge of such department as the commission shall from time to time be in; but unless otherwise ordered by the mayor, the zoning commission shall not make any annual or other report except through the building commissioner, and shall not communicate with the mayor except through said commissioners.

#### Historical Notes

- St. 1924 c. 488 §20
- St. 1948 c. 165 §6
- St. 1950 c. 328
- St. 1952 c. 109
- St. 1953 c. 473
- St. 1956 c. 665
- St. 1957 c. 408
- St. 1958 c. 77
- St. 1964 c. 244
- Rev. Ord. 1961 c. 9 §10

§201

#### ZONING REGULATIONS. PURPOSES

For the purpose of promoting the health, safety, convenience, morals or welfare of its inhabitants, the city may, by a zoning regulation adopted by its zoning commission, regulate and restrict the height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purposes; provided, that use of land for a municipal purpose shall not be permitted in any district in which dwellings are permitted except that where, at the time of the adoption of a zoning regulation or amendment permitting dwellings in a district, a particular parcel of land in such district is used for a particular municipal purpose, use of such land for such purpose may be allowed to continue, and except, further, that use of a particular parcel of land for a municipal purpose in a district where dwellings are permitted may be allowed by



special order of the zoning commission adopted after like report, notice and hearing, and in like manner and with like approval as a zoning regulation or amendment if notice of the hearing thereon is also sent by mail, postage prepaid, to the owners of all abutting property and also to the owners of such other property as may be deemed by the zoning commission to be especially affected by such order, as they appear on the then most recent local tax list.

For any or all of such purposes a zoning regulation may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this act, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings and structures, or use of land, and may prohibit noxious trades within the city or any specified part thereof. The regulations and restrictions shall be uniform for each class or kind of buildings, structures or land, and for each class or kind of use, throughout the district, but the regulations and restrictions in one district may differ from those in other districts. Due regard shall be paid to the characteristics of the different parts of the city; and the regulations and restrictions shall be the same for zones, districts or streets having substantially the same character.

A zoning regulation shall be designed among other purposes to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the city; and to preserve and increase its amenities.

#### Historical Notes

St. 1956 c. 665 §2

St. 1958 c. 77 §1

#### Cross Reference

G.L. c. 40A §2

## §202

### ZONING REGULATIONS. METHOD OF ADOPTING AND AMENDING

A zoning regulation may be adopted and from time to time amended by alteration, addition or repeal, but only in the manner hereinafter provided. No zoning regulation originally establishing the boundaries of a district or the regulations and restrictions to be enforced therein, and no such regulation amending the same as aforesaid, shall be adopted until the Boston Redevelopment Authority shall have submitted a report with recommendations concerning such regulation or amendment or allowed twenty days to elapse after receipt from the zoning commission of a request for such a report without making such report, nor until after the zoning commission shall have given notice and held a public hearing with respect to such regulation or amendment. Such notice shall be published at least ten days prior to such hearing in one or more newspapers of general circulation in the city, and shall (a) refer to this act, (b) give the time and place of the public hearing, and (c) either state the express terms of the proposed regulation or amendment, or state the general subject thereof and the times when and the place where a copy of the express terms thereof may be obtained. Such notice shall also be sent by mail, postage prepaid, to any person filing written request for notice of hearings, such request to be renewed yearly in December. Such public hearing shall be attended by not less than six of the members of the zoning commission; and if less than six members are present at any public hearing, the members actually present may

adjourn the same by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. After such notice and hearing the zoning commission, by the concurrent vote of not less than seven of its members, may adopt or reject the proposed regulation or amendment, or may adopt a regulation or amendment in substantial accord with the proposed regulation or amendment. Votes of the zoning commission adopting a zoning regulation or amendment thereof shall be subject to the same provisions of law in respect to approval by the mayor as orders or votes of the city council, except that the concurrent vote of not less than nine members of the zoning commission shall be necessary to pass such regulation or amendment over the veto of the mayor.

Any owner of property may petition the zoning commission to adopt an amendment of a zoning regulation which would affect his property, but shall not be entitled to have his proposed amendment considered by the commission unless he pays the city such sum, if any, as may from time to time be established by the zoning regulation as the estimated average cost to the city of a hearing on a proposed amendment of the zoning regulation.

#### Historical Notes

St. 1956 c. 665 §3

St. 1958 c. 77 §2

St. 1966 c. 193 §1

#### Cross Reference

G.L. c. 40A §6

### §203

#### ZONING REGULATIONS. NON-CONFORMING USES

A zoning regulation or any amendment thereof shall apply to any change in the use of a building or structure or of land, and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent; but no zoning regulation nor any amendment thereof shall apply to existing buildings or structures, nor to the existing use of any building or structure, or of land to the extent to which it is used at the time of the adoption of such regulation or amendment, except that any such regulation or amendment may regulate non-use of a non-conforming use so as not to unduly prolong the life thereof.

#### Historical Note

St. 1956 c. 665 §4

#### Cross Reference

G.L. c. 40A §5

### §204

#### ZONING REGULATIONS. BUILDINGS UNDER CONSTRUCTION

No zoning regulation or amendment thereof shall affect any permit issued or any building or structure lawfully begun before notice of hearing before the zoning commission has first been

given; provided, that construction work under such a permit is commenced within six months after its issue, and the work, whether under such permit or otherwise lawfully begun, proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances. The issuance of a permit or the beginning of work upon a building or structure, or a change of use, after such notice has been given, shall not justify the violation of a zoning regulation or an amendment thereof subsequently adopted as the outcome of such hearing and in substantial accord with such notice; provided, the subsequent steps required for the adoption of such regulation or amendment thereof are taken in their usual sequence without unnecessary or unreasonable delay.

Historical Note

St. 1956 c. 665 §5

Cross Reference

G.L. c. 40A §11

§205

ZONING REGULATIONS. EXEMPTION OF PUBLIC SERVICE CORPORATIONS

A building, structure or land used or to be used by a public service corporation may be exempted from the operation of a zoning regulation or amendment if, upon petition of the corporation, the state department of public utilities shall, after public notice and hearing, decide that the present or proposed situation of the building, structure or land in question is reasonably necessary for the convenience or welfare of the public.

Historical Note

St. 1956 c. 665 §6

Cross Reference

G.L. c. 40A §10

§206

ZONING REGULATIONS, WITHHOLDING LICENSES AND PERMITS FOR VIOLATION OF

The building commissioner shall withhold a permit for the construction or alteration of any building or structure if the building or structure as constructed or altered would be in violation of any zoning regulation or amendment thereof; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any zoning regulation or amendment thereof.

Historical Note

St. 1956 c. 665 §7

Cross Reference

G.L. c. 40A §12

§207

ZONING REGULATIONS, APPEALS UNDER

Any board or officer of the city or any person aggrieved by reason of being refused a permit by any administrative official under the provisions of the state building code or by reason of



any order or decision of the building commissioner or other administrative official in violation of any provision of the state building code or any zoning regulation or amendment thereof adopted under the state building code may appeal to the board of appeal as provided in sections 150-152.

#### Historical Notes

St. 1956 c. 665 §8  
St. 1966 c. 193 §2  
St. 1972 c. 802 §66

#### Cross References

G.L. c. 40A §§13,14  
St. 1972 c. 802 §66A  
Statutes, Title 9 §§150-152

### §208

#### ZONING REGULATIONS. VARIANCES

Upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under the state building code, or under a zoning regulation as adopted and amended under this chapter, the board of appeal may authorize with respect to a particular parcel of land or to an existing building thereon a variance from the terms of such zoning regulation where, owing to conditions especially affecting such parcel or such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise. In authorizing such variance, the board may impose limitations both of time and of user, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

#### Historical Note

St. 1956 c. 665 §9  
St. 1967 c. 616  
St. 1972 c. 802 §67

#### Cross Reference

G.L. c. 40A §15  
Statutes, Title 9 §§150-152

### §209

#### ZONING REGULATIONS. EXCEPTIONS

A zoning regulation or amendment thereof may provide that exceptions may be allowed to the regulations and restrictions contained therein, which shall be applicable to all of the districts of a particular class and of a character set forth in such zoning regulation or amendment. Such exceptions shall be in harmony with the general purpose and intent of the zoning regulation or amendment, and may be subject to general or specific limitations therein contained. If exceptions are so provided for, the board of appeal may, subject to appropriate conditions and safeguards, allow such an exception upon an appeal from the refusal of the building commissioner or other

administrative official to issue a permit under this chapter or under a zoning regulation or amendment thereof adopted under this chapter.

Historical Note

St. 1956 c. 665 §10

Cross Reference

G.L. c. 40A §4

Statutes, Title 9 §§150-152

§210

ZONING REGULATIONS. APPEALS FROM DECISIONS OF BOARD OF APPEAL

Any person aggrieved by a decision of said board of appeal, whether or not previously a party to the proceeding, or any municipal board or officer, may appeal to the superior court sitting in equity for the county of Suffolk; provided, that such appeal is filed in said court within fifteen days after such decision is recorded. Every person so appealing shall file a bond with sufficient surety, to be approved by the court, for such a sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which he or they may sustain in case the decision of the board is affirmed. Upon an appeal under this section, the court shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against said board of appeals unless it shall appear to the court that the board in making the decision appealed from acted with gross negligence, in bad faith or with malice; and costs shall not be allowed against the party appealing from the decision of the board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to the court.

All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.

Historical Note

St. 1956 c. 665 §11

Cross Reference

G.L. c. 40A §21

Statutes, Title 9 §§150-152

§211

ZONING REGULATIONS. ENFORCEMENT BY INJUNCTION

The superior court sitting as aforesaid shall have jurisdiction to enforce the provisions of this chapter, and any zoning regulation or amendment thereof adopted under this chapter, and may restrain by injunction violation thereof.

Historical Note

St. 1956 c. 665 §11

Cross Reference

G.L. c. 40A §21

Chapter 9 – Beacon Hill Architectural Commission

(Prepared by Sheldon Drucker, former Assistant Corporation Counsel)

Sec.

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§250 BEACON HILL ARCHITECTURAL COMMISSION. APPOINTMENT, TERM, COMPENSATION, ETC.

There shall be in the building department a board, known as the Beacon Hill Architectural Commission, consisting of five commissioners, and five alternates, appointed by the mayor as follows:- one commissioner from two candidates, and one alternate from two other candidates, nominated by the Beacon Hill Civic Association, Inc., one commissioner from two candidates, and one alternate from two other candidates, nominated by the Greater Boston Real Estate Board, one commissioner from two candidates, and one alternate from two other candidates, nominated by The Boston Society of Architects, one commissioner from two candidates, and one alternate from two other candidates, nominated by the Society for the Preservation of New England Antiquities, and one commissioner, and one alternate, selected at large by the mayor. As the term of any commissioner expires, his successor shall be appointed in like manner as such commissioner for a term of five years. Any vacancy in the office of a commissioner shall be filled in like manner for the unexpired term. As the term of any alternate expires, his successor shall be appointed in like manner as such alternate. Any vacancy in the office of an alternate shall be filled in like manner. Every person appointed an alternate shall be so appointed that his term will expire at the same time as the term of the incumbent commissioner appointed in the same manner as such alternate. Every commissioner and every alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. Any commissioner or alternate may be removed by the mayor as provided in section 14 of chapter 486 of the acts of 1909. Whenever there is a vacancy in the office of a commissioner, or whenever a commissioner is absent or unable for any cause to perform his duties, the alternate appointed in the same manner as such commissioner shall exercise the powers and perform the duties of such commissioner; but an alternate shall not otherwise be deemed to be, or act as, a member of the board.

The commission shall annually on the first day of May, or as soon thereafter as conveniently may be, elect one of its members as chairman and another as vice chairman. The commission shall also elect a secretary outside of its membership who shall be exempt from the civil service



laws and rules and shall receive from the city such compensation as the commission, with the approval of the mayor, shall from time to time fix. Whenever the secretary shall not be in attendance at a meeting of the commission, the commission shall elect a secretary pro tem for such meeting, who shall receive such compensation as the commission with the approval of the mayor shall fix. The members of the commission shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The records of the commission shall set forth every determination made by the commission and the vote of every member participating therein and the absence or failure to vote of every other member.

The commission may adopt, amend and repeal rules for the regulation of its affairs and the conduct of its business, and shall be deemed a department of the city for the purposes of section 53A of chapter 44 of the General Laws.

The commission shall not be subject to the supervision or control of the building commissioner; but unless otherwise ordered by the mayor, the commission shall not communicate with the mayor except through the building commissioner and shall not make any annual or other report except through the building commissioner.

#### Historical Notes

St. 1955 c. 616 §4

St. 1965 c. 429 §§1,2

## §251

### BEACON HILL ARCHITECTURAL REGULATIONS. DEFINITIONS

As used in this chapter the following words and phrases shall have the following meanings: -  
"Commission", the commission provided for by section 250.

"Historic Beacon Hill District", the district in the city bounded as follows:-

southerly by the northerly side line of Beacon street; westerly by a line parallel with and one hundred and fifty feet distant westerly from, the westerly side line of Beaver street; northerly by Beaver place; easterly by Brimmer street; northerly again by Byron street; westerly again by a line parallel with, and eighty feet distant westerly from, the westerly side line of Charles street; northerly again by the southerly side line of Revere street; easterly again by the westerly side line of Myrtle street; northerly again by the southerly side line of Myrtle street; and easterly again by the westerly side line of Hancock street and said side line extended southerly to Beacon street; excluding from said area, however, land of the commonwealth and the estates numbered twenty-six to eighty-eight, inclusive, and ninety-eight to one hundred and thirty-six, inclusive, on Myrtle street;

and the area contiguous thereto, bounded as follows:-

southerly by Byron street; westerly by Brimmer street; southerly again by Beaver place; westerly again by Embankment road; northerly by Pinckney street; and easterly by a line parallel with, and eighty feet distant westerly from, the westerly line of Charles street;

and also the area contiguous thereto, bounded as follows:-

southerly by Myrtle street, including, however, the estates numbered twenty-six to eighty-eight, inclusive, and ninety-eight to one hundred thirty-six, inclusive, on Myrtle street; westerly by Myrtle street; southerly by Revere street; westerly by the alley located to the rear of the estates numbered one hundred and thirty to one hundred and forty Charles street; northerly by the northerly boundary line of the estate numbered one hundred forty Charles street, and by said boundary line extended diagonally in an easterly direction across Charles street

to Putnam avenue; northerly by Putnam avenue; westerly by West Cedar street; northerly by Phillips street; easterly by the rear property lines of the estates numbered seventy-nine to sixty-one West Cedar street; northerly and westerly by the northerly property lines of the estates located at the northerly ends of Bellingham place, Sentry Hill place and Goodwin place, and the northerly sideline of the estate numbered thirty-seven Grove street, easterly by Grove street; northerly by Revere street; easterly by Irving street; but including the estates located on Rollins Place; and further the area contiguous thereto bounded as follows:- northerly by a line parallel to and forty feet distant southerly from the southerly sideline of Cambridge street; easterly by Bowdoin street; southerly by Derne and Myrtle streets; westerly by Irving street; generally southerly by the northerly, easterly and westerly boundaries of the area defined in section 1B of chapter 616 of the acts of 1955; southerly by Revere street; westerly and northerly by Embankment road; and northerly by Charles street circle; and including the estates located at 131 and 141 Cambridge street and 2 - 16 Lynde street; and further enlarged and extended to include an area contiguous thereto bounded by a line described as follows:

starting from the intersection of the westerly side line of Bowdoin street and the northerly side line of Derne street; thence running westerly along the northerly side line of Derne street to the intersection of the westerly side line of Hancock street; thence running southerly along the westerly side line of Hancock street to the intersection of the northerly side line of Mount Vernon street; thence running westerly along the northerly side line of Mount Vernon street to the intersection of the westerly side line of Joy street; thence running southerly along the westerly side line of Joy street to the intersection of the northerly side line of Beacon street; thence running northeasterly along the northerly side line of Beacon street to the intersection of the projection of the westerly side line of Park street; thence running southeasterly along the westerly side line of Park street to the intersection of the northerly side line of Tremont street; thence running northeasterly along the northerly side line of Tremont street to the furthestmost point of the Granary Burial Ground on the Tremont street side of the Granary Burial Ground; thence running along the several courses of the northeasterly boundary of the Granary Burial Ground to the intersection of the southerly boundary line of the Boston Athenaeum Library; thence running northeasterly along the southerly boundary line of the Boston Athenaeum Library and its curve to the north; thence running northerly along the easterly boundary line of the Boston Athenaeum Library to the intersection of the southerly side line of Beacon street; thence running southwestly along the southerly side line of Beacon street to the intersection of the projection of the westerly side line of Bowdoin street, thence running northerly to the point of origin;

and is further enlarged and extended to include an area contiguous thereto bounded as follows: westerly by Embankment road; northerly by Revere street; southerly by Pinckney street and easterly by a line parallel with and eighty feet distant westerly from the westerly line of Charles street.

Lands of the commonwealth within the Historic Beacon Hill District as created and enlarged and extended by this section shall be exempt from the provisions of this section.

Nothing contained in the act shall apply to the construction, repair, alteration, demolition or reconstruction of any building by Suffolk University on Hancock, Derne or Temple streets.



"Exterior architectural feature", the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way, including kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs, and other fixtures appurtenant to such portion.

"Structure", a structure as defined in the Boston Building Code.

#### Historical Notes

St. 1955 c. 616 §§1,1A,1B,1C,3

St. 1958 c. 315 §1

St. 1963 c. 622 §1

St. 1975 c. 741

### §252

#### BEACON HILL ARCHITECTURAL REGULATIONS. PURPOSE

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation of the historic Beacon Hill district, and to maintain said district as a landmark in the history of architecture and as a tangible reminder of old Boston as it existed in the early days of the commonwealth.

#### Historical Note

St. 1955 c. 616 §2

#### Cross Reference

G.L. c. 40C §2

### §253

#### BEACON HILL ARCHITECTURAL REGULATIONS. LIMITATION ON ISSUANCE OF BUILDING PERMIT

No permit shall be issued by the building commissioner for the construction of any structure in the historic Beacon Hill district or the reconstruction, alteration or demolition of any structure now or hereafter in said district, except in cases excluded by section 257, unless the application for such permit shall bear a certificate under section 255 that no exterior architectural feature is involved or shall be accompanied by a certificate of appropriateness issued under section 256.

#### Historical Notes

St. 1955 c. 616 §5

St. 1958 c. 314 §1

#### Cross Reference

G.L. c. 40C §6

### §254

#### BEACON HILL ARCHITECTURAL REGULATIONS. LIMITATION ON ISSUANCE OF SIGN PERMIT

No permit to erect a sign, marquee, awning, or other exterior architectural feature protruding from any structure in the Historic Beacon Hill District shall be issued by the public improvement commission or by any other agency now or hereafter authorized to issue such permits, unless the application for such permit shall be accompanied by a certificate of appropriateness issued under section 256.

#### Historical Notes

St. 1955 c. 616 §7A

St. 1963 c. 622 §3



§255

**BEACON HILL ARCHITECTURAL REGULATIONS. CERTIFICATE OF NON-APPLICABILITY**

Except in cases excluded by section 257, every person about to apply to the building commissioner for a permit to construct any structure in the Historic Beacon Hill District or to reconstruct, alter or demolish any structure now or hereafter in said district shall deposit with the secretary of the commission his application for such permit together with such plans, specifications and other material as the commission may from time to time prescribe. Within eight days thereafter, Saturdays, Sundays and legal holidays excluded, the commission or such commissioner or commissioners as the commission may from time to time designate so to do shall consider such application, plans, specifications and other material and determine whether any exterior architectural feature is involved. If it is so determined that no exterior architectural feature is involved, the secretary of the commission shall endorse on the application forthwith a certificate of such determination and return the application, plans, specifications and other material to the applicant.

**Historical Notes**

St. 1955 c. 616 §6

St. 1965 c. 429 §3

§256

**BEACON HILL ARCHITECTURAL REGULATIONS. CERTIFICATE OF APPROPRIATENESS**

No person shall construct any exterior architectural feature in the historic Beacon Hill district, or reconstruct, alter, change the exterior color of or demolish any such feature now or hereafter in said district until such person shall have filed with the secretary of the commission an application for a certificate of appropriateness in such form and with such plans, specifications and other material as the commission may from time to time prescribe and a certificate of appropriateness shall have been issued as hereinafter provided in this section.

Within eight days after the filing of an application for a certificate of appropriateness, Saturdays, Sundays and legal holidays excluded, the commission or such commissioner or commissioners as the commission may from time to time designate so to do shall determine the estates deemed by it to be materially affected by such application and, unless a public hearing on such application is waived in writing by all persons entitled to notice thereof, shall forthwith cause its secretary to give by mail, postage prepaid, to the applicant, to the owners of all such estates as they appear on the then most recent real estate tax list, and to any person filing written request for notice of hearings, such request to be renewed yearly in December, reasonable notice of public hearing before the commission on such application.

As soon as conveniently may be after such public hearing or the waiver thereof, but in all events within thirty days, Saturdays, Sundays and legal holidays excluded, after the filing of the application for the certificate of appropriateness, or within such further time as the applicant may in writing allow, the commission shall determine whether the proposed construction, reconstruction, alteration, change in exterior color or demolition of the exterior architectural feature involved will be appropriate to the preservation of the historic Beacon Hill district for the purposes of this chapter, and whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the historic Beacon Hill district generally, failure to issue a certificate of appropriateness will involve a substantial hardship to the applicant and such a certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. In passing upon appropriateness, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.

If the commission determines that the proposed construction, reconstruction, alteration, change in exterior color or demolition of the exterior architectural feature involved will be appropriate or, although inappropriate, owing to conditions as aforesaid, failure to issue a certificate of appropriateness will involve substantial hardship to the applicant and issuance thereof may be made without substantial detriment or derogation as aforesaid, or if the commission fails to make a determination within the time hereinbefore prescribed, the secretary of the commission shall forthwith issue to the applicant a certificate of appropriateness. If the commission determines that a certificate of appropriateness should not issue, the commission shall forthwith spread upon its records the reasons for such determination and may include recommendations respecting the proposed construction, reconstruction, alteration, change in exterior color or demolition. Thereupon the secretary of the commission shall forthwith by mail, postage prepaid, give notice of such determination to the applicant and to every person filing written request for such notice, transmitting therewith an attested copy of the reasons and recommendations, if any, spread upon the records of the commission.

#### Historical Notes

St. 1955 c. 616 §7  
St. 1958 c. 314 §2  
St. 1965 c. 429 §§4,5,6

#### Cross Reference

G.L. c. 40C §§6,7

### §257

#### BEACON HILL ARCHITECTURAL REGULATIONS. EXCLUSIONS

Nothing in this chapter shall be construed to prevent any ordinary maintenance or repair of an exterior architectural feature now or hereafter in the historic Beacon Hill district which involves no change in design, material, color or outward appearance thereof; nor shall anything in this chapter be construed to prevent the construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition.

#### Historical Notes

St. 1955 c. 616 §9  
St. 1958 c. 314 §4

#### Cross Reference

G.L. c. 40C §9

### §258

#### BEACON HILL ARCHITECTURAL REGULATIONS. APPEALS

Any person aggrieved by a determination of the commission may, within thirty days after the making of such determination, appeal to the superior court sitting in equity for the county of Suffolk; provided that within eight days, exclusive of Saturdays, Sundays and legal holidays, after the secretary of the commission mails the notices provided for by the fourth paragraph of section seven of chapter 429 of the acts of 1965, such person files with such secretary written notice of his intention to appeal. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the reasons given by the commission to be unwarranted by the evidence or to be insufficient in law to warrant the determination of the commission or make such other decree as justice and equity may require. The remedies provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

## Historical Notes

St. 1955 c. 616 §10

St. 1965 c. 429 §7

## Cross Reference

G.L. c. 40C §12

§259

## BEACON HILL ARCHITECTURAL REGULATIONS. ENFORCEMENT

Whoever constructs, reconstructs, alters, changes the exterior color of or demolishes any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this chapter shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars. Whoever, after notice from the secretary of the commission, maintains any exterior architectural feature now or hereafter in the Historic Beacon Hill District in violation of this chapter shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and each day during any portion of which such violation is allowed to continue shall be considered a separate offense.

The superior court sitting as aforesaid may, upon application of the commission, restrain the construction, reconstruction, alteration, change in exterior color or demolition of any exterior architectural feature now or hereafter in the historic Beacon Hill district in violation of this chapter and order the removal of any such exterior architectural feature constructed or reconstructed in violation thereof and the substantial restoration of any such exterior architectural feature altered or demolished in violation thereof or the exterior color of which is changed in violation thereof.

## Historical Notes

St. 1955 c. 616 §11

St. 1958 c. 314 §5

St. 1965 c. 429 §8

## Cross Reference

G.L. c. 40C §13

§260

## BEACON HILL ARCHITECTURAL REGULATIONS. SEVERABILITY OF PROVISIONS

The provisions of this chapter shall be deemed to be severable; and if any of said provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

## Historical Note

St. 1955 c. 616 §12

## Cross Reference

G.L. c. 40C §17



Chapter 11 - Back Bay Architectural Commission  
(Prepared by Sheldon Drucker, former Assistant Corporation Counsel)

Sec.

300	Purposes of These Sections
301	Back Bay Residential District
302	Definitions
303	Back Bay Architectural Commission. Appointment, Term, Compensation, Etc.
304	Limitation on Issuance of Building Permit
305	Limitation on Issuance of Sign Permit
306	Certificate of Nonapplicability of Statute
307	Certificate of Design Approval
308	Exclusions
309	Appeals
310	Enforcement
311	Severability of Provisions
312	Appointment of Additional Commissioners

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## §300 PURPOSES OF THESE SECTIONS

The purposes of sections 300 to 311, inclusive, are as follows: (a) to promote the economic, cultural, educational and general welfare of the public through the encouragement of high design standards for that portion of the Back Bay area in the city described in section 301, (b) to safeguard the heritage of the city by preventing the despoliation of a district in the city which reflects important elements of its cultural, social, economic and political history; (c) to stabilize and strengthen residential property values in such area; (d) to foster civic beauty and (e) to strengthen the economy of the commonwealth and the city of Boston.

### Historical Notes

St. 1966 c. 625 §1

St. 1974 c. 463 §1

## §301 BACK BAY RESIDENTIAL DISTRICT

There is hereby created in the city a district to be known as the Back Bay Architectural District, bounded and described as follows: - starting at the intersection of the center line of Newbury street and the center line of Charlesgate East; thence running northerly by the center line of Charlesgate East to the center line of Back street; thence running easterly by the center line of Back street to the center line of Embankment road; thence running southerly by the center line of Embankment road to the center line of Beacon street; thence running easterly along the center line of Beacon street to the center line of Arlington street; thence running southerly along the center line of Arlington street to the center line of the public alley between Newbury street and Commonwealth avenue; thence running westerly along the center line of the public alley between Newbury street and Commonwealth avenue to the center line of Dartmouth street; thence running southerly along the center line of Dartmouth street to the center line of Boylston street; thence running westerly along the center line of Boylston street to the center line of Massachusetts avenue; thence running northerly along the center line of Massachusetts avenue to the center line of Newbury street; thence running westerly along the center line of Newbury street to the point of beginning.

## Historical Notes

St. 1966 c. 625 §2

St. 1974 c. 463 §2

## §302 DEFINITIONS

As used in sections 300 to 311, inclusive, the following words shall have the following meanings: --

"Board", the Boston Redevelopment Authority or any successor to it in its capacity as the planning board of the city.

"Commission", the commission provided for by section 303.

"Exterior architectural feature", the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public street or way, but not such portions as are designed to be open to view only from a public alley, including but not limited to, kind, color and texture of the building material of such portion, type and design of all windows, doors, lights, signs, and other fixtures appurtenant to such portion, the location and adequacy of vehicular access, if any, and the location and treatment of any parking space for motor vehicles open to view from such public street or way.

"Structure", a structure as defined in the Boston Building Code, together with related paving, fencing or masonry or stone walls.

## Historical Note

St. 1966 c. 625 §3

## §303 BACK BAY ARCHITECTURAL COMMISSION. APPOINTMENT, TERM, COMPENSATION, ETC.

There shall be in the Boston Redevelopment Authority a commission, known as the Back Bay Architectural Commission, consisting of nine commissioners and five alternates, appointed by the mayor as follows: two commissioners and one alternate from five candidates nominated by the Neighborhood Association of the Back Bay, two commissioners and one alternate from five candidates nominated by the Back Bay Association, two commissioners and one alternate from five candidates nominated by the Boston Society of Architects, one commissioner and one alternate from three candidates nominated by the Greater Boston Real Estate Board, and two commissioners at least one of whom shall have an interest in a retail business in the Back Bay Architectural District, and one alternate selected at large by the mayor. As the term of any commissioner expires, his successor shall be appointed in like manner as such commissioner for a term of five years. Any vacancy in the office of a commissioner shall be filled in like manner for the unexpired term. As the term of any alternate expires, his successor shall be appointed in like manner as such alternate. Any vacancy in the office of an alternate shall be filled in like manner. Every person appointed an alternate shall be so appointed that his term will expire at the same time as the term of the incumbent commissioner appointed in the same manner as such alternate. Every commissioner and every alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. Any commissioner or alternate may be removed by the mayor as provided in section 14 of chapter 486 of the acts of 1909. Whenever a commissioner is absent or unable for any cause to perform his duties, the alternate appointed in the same manner as such commissioner shall exercise the powers and perform the duties of such commissioner. Whenever both a commissioner and the alternate appointed in the same manner of such commissioner are absent or unable for any cause to perform their duties, the chairman of the commission shall designate another alternate to exercise the powers and perform the duties of such commissioner; but an alternate shall not otherwise be deemed to be, or act as, a member of the commission.

The commission may adopt, amend and repeal rules for the regulation of its affairs and the conduct of its business, and shall be deemed a department of the city for the purposes of section 53 A of chapter 44 of the General Laws.

The commission shall annually on the first day of May, or as soon thereafter as conveniently may be, elect one of its members as chairman and another as vice chairman. The commission shall be provided with a secretary outside of its membership who shall be an employee of the board. Whenever the secretary shall not be in attendance at a meeting of the commission, the commission shall elect a secretary pro tem for such meeting. The members of the commission shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The records of the commission shall set forth every determination made by the commission and the vote of every member participating therein and the absence or failure to vote of every other member.

The commission shall not be subject to the supervision or control of the board; but unless otherwise ordered by the mayor, the commission shall not communicate with the mayor except through the board and shall not make any annual or other report except through the board.

Historical Note

St. 1966 c. 625 §4

St. 1974 c. 463 §3,4

§304

LIMITATION ON ISSUANCE OF BUILDING PERMIT

No permit shall be issued by the building commissioner for the construction of any structure in the Back Bay Architectural District or the reconstruction, alteration or demolition of any structure in said area on or after December 1, 1966, except in cases excluded by section 308, unless the application for such permit bears a certificate under section 306 that no exterior architectural feature is involved or is accompanied by a certificate of design approval issued under section 307.

Historical Note

St. 1966 c. 625 §5

St. 1974 c. 463 §5

§305

LIMITATION ON ISSUANCE OF SIGN PERMIT

No permit to erect a sign, marquee, awning or other exterior architectural feature protruding from any structure in the Back Bay Architectural District shall be issued by the public improvement commission, or by any other agency now or hereafter authorized to issue such permits, unless the application for such permit shall be accompanied by a certificate of design approval issued under section 307.

Historical Note

St. 1966 c. 625 §6

St. 1974 c. 463 §6

§306

CERTIFICATE OF NONAPPLICABILITY OF STATUTE

Except in cases excluded by section 308, every person about to apply to the building commissioner for a permit to construct any structure in the Back Bay Architectural District or to reconstruct,



alter or demolish any structure in said area on or after December 1, 1966, shall deposit with the secretary of the commission his application for such permit together with such plans, specifications and other material as the commission may from time to time prescribe. Within eight days thereafter, Saturdays, Sundays and legal holidays excluded, the commission or such member or employee as the commission may from time to time designate so to do shall consider such application, plans, specifications and other material and determine whether any exterior architectural feature is involved. If it is so determined that no exterior architectural feature is involved, the secretary of the commission shall endorse on the application forthwith a certificate of such determination and return the application, plans, specifications and other material to the applicant.

#### Historical Note

St. 1966 c. 625 §7

St. 1974 c. 463 §7

### §307

#### CERTIFICATE OF DESIGN APPROVAL

No person shall construct any exterior architectural feature in the Back Bay Architectural District, or reconstruct, alter, change, except as hereafter provided, the exterior color of, or demolish, any such feature in said area on or after December 1, 1966, until such person shall have filed in duplicate with the secretary of the commission an application for a certificate of design approval in such form and with such plans, specifications and other material as the commission may from time to time prescribe and a certificate of design approval shall have been issued as hereinafter provided in this section. The commission shall retain one copy of the application and transmit the other to the board.

Within eight days after the filing of an application for a certificate of design approval, Saturdays, Sundays and legal holidays excluded, the commission or such member or employee as the commission may from time to time designate so to do shall determine the properties deemed by it to be materially affected by such application and, unless a public hearing on such application is waived in writing by all persons entitled to notice thereof, shall forthwith cause its secretary to give by mail, postage prepaid, to the applicant, to the owners of all such estates as they appear on the then most recent real estate tax list, and to any person filing written request for notice of hearings, such request to be renewed yearly in December, reasonable notice of a public hearing on such application to be held not sooner than twenty days after the date on which the copy of the application was transmitted to the board. The public hearing may be conducted by the commission itself or by such member or members or employee or employees as the board may from time to time designate; provided, however, that if such public hearing is not conducted by the commission itself, the person or persons so conducting it shall transmit a written report and recommendation thereon forthwith to the commission. There shall be available at such public hearing a report and recommendation from the board, together with material, plans or drawings to aid the commission in reaching its decision. The commission shall not render any decision until such report and recommendation has been received and considered, provided that if no such report and recommendation has been received by the time of the public hearing, the commission may render its decision without such report and recommendation.

As soon as conveniently may be after such public hearing or the waiver thereof, but in all events within forty calendar days after the filing of the application for the certificate of design approval, or within such further time as the applicant may in writing allow, the commission shall determine whether the proposed construction, reconstruction, alteration, change in exterior color or demolition of the exterior architectural feature involved will be approved as based upon a design appropriate

for the purposes of this chapter, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the Back Bay Architectural District generally, failure to issue a certificate of design approval will involve a substantial hardship to the applicant and such a certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. In passing upon any design, the commission shall consider, (a) the architectural value and significance of the structure and its relationship to the surrounding area; (b) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area; (c) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; (d) any landscaping features proposed by the applicant; and (e) any aesthetic or other factor, which it deems to be pertinent.

The commission shall pass only upon the exterior architectural features of a structure and shall not consider interior arrangements nor the use to be made of the structure. It is the intent of this chapter that the commission be strict in its judgment of plans involving substantial new construction or for structures deemed to be valuable according to studies performed on behalf of the city, the board or the commission for said area to determine which structures are of architectural value. It is also the intent of this chapter that the commission shall be lenient in its judgment of plans for structures of little architectural value except where such plans would seriously impair the architectural value of surrounding structures or the surrounding area. It is also the intent of this act that the commission deal more leniently with proposals respecting structures within those sections of the Back Bay Architectural District which may be zoned for local or general business uses than with those proposals within those sections of the district which may be zoned for residential uses, to the end that conversions of structures to business uses will not be prevented.

If the commission determines that the proposed construction, reconstruction, alteration, change in exterior color or demolition of the exterior architectural feature involved meets with its approval or, although inappropriate, owing to conditions as aforesaid, failure to issue a certificate of design approval will involve substantial hardship to the applicant and issuance thereof may be made without substantial detriment or derogation as aforesaid, or if the commission fails to make a determination within the time hereinbefore prescribed, the secretary of the commission shall forthwith issue to the applicant a certificate of design approval. In approving an application the commission may impose conditions which, if the certificate of design approval or the permit for demolition or removal is acted upon, shall be binding upon the applicant, the owner of the property and his successors in title. Any such conditions may subsequently be modified or removed by the commission. Prior to approving an application subject to conditions, the commission may notify the applicant of its proposed action and permit the applicant to express his opinion thereon. If the commission determines that a certificate of appropriateness should not issue, the commission shall forthwith spread upon its records the reasons for such determination and may include recommendations respecting the proposed construction, reconstruction, alteration, change in exterior color or demolition. Upon the making of any such determination the secretary of the commission shall forthwith by mail, postage prepaid, give notice of such determination to the applicant and to every person filing written request for such notice, transmitting therewith an attested copy of the reasons and recommendations, if any, spread upon the records of the commission.

The exterior color of any building or structure or portions thereof within the Back Bay Architectural District may, without the filing of an application for, or the issuance of, a certificate of design approval, be changed to any color or any combination of colors which the commission shall determine from time to time may be so used without substantial derogation from the intent and purposes of this chapter.

#### Historical Notes

St. 1966 c. 625 §8

St. 1974 c. 463 §8,9,10,11



## §308 EXCLUSIONS

Nothing in this chapter shall be construed to prevent any ordinary maintenance or repair of an exterior architectural feature in the Back Bay Architectural District on or after December 1, 1966, which involves no change in design, material, color or outward appearance thereof; nor shall anything in this chapter be construed to prevent the construction, reconstruction, alteration or demolition of any such feature which the building commissioner shall certify is required by the public safety because of an unsafe or dangerous condition; nor shall anything in this chapter be construed to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by the building commissioner prior to the effective date of chapter 625 of the acts of 1966.

## Historical Notes

St. 1966 c. 625 §9

St. 1974 c. 463 §12

## §309 APPEALS

Any person aggrieved by a determination of the commission may, within thirty days after the making of such determination, appeal to the superior court sitting in equity for the county of Suffolk; provided that within eight days, exclusive of Saturdays, Sundays and legal holidays, after the secretary of the commission mails the notices provided for by the fifth paragraph of section eight of chapter 625 of the acts of 1966, such person files with such secretary written notice of his intention to appeal. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the reasons given by the board to be unwarranted by the evidence or to be insufficient in law to warrant the determination of the commission or make such other decree as justice and equity may require. The remedies provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination or approval of the commission unless it shall appear to the court that said party acted in bad faith or with malice in making the appeal to the court.

## Historical Note

St. 1966 c. 625 §10

## §310 ENFORCEMENT

Whoever constructs, reconstructs, alters, changes the exterior color of or demolishes any exterior architectural feature now or hereafter in the Back Bay Architectural District in violation of this chapter shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars. In addition, whoever, after notice from the secretary of the commission, maintains any exterior architectural feature now or hereafter in the Back Bay Architectural District in violation of this chapter shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and each day during any portion of which such violation is allowed to continue shall constitute a separate offense.

The superior court sitting as aforesaid may, upon application of the commission, restrain the



construction, reconstruction, alteration, change in exterior color of or demolition of any exterior architectural feature now or hereafter in the Back Bay Residential District in violation of this chapter and order the removal of any such exterior architectural feature constructed or reconstructed in violation thereof and the substantial restoration of any such exterior architectural feature altered or demolished in violation thereof or the exterior color of which is changed in violation thereof.

Historical Note

St. 1966 c. 625 §11

St. 1974 c. 463 §§13,14

§311

SEVERABILITY OF PROVISIONS

The provisions of sections 300 to 311, inclusive, shall be deemed to be severable; and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Historical Note

St. 1966 c. 625 §12

§312

APPOINTMENT OF ADDITIONAL COMMISSIONERS

The commissioners to be appointed to the Back Bay Architectural Commission pursuant to section 303 of this chapter, in addition to the incumbent members under prior law, shall be appointed by the mayor of the city from two candidates nominated by the named nominating organizations in said section 303, and the terms of such original appointments shall for each such commissioner be coterminous with the term of the incumbent nominated by the same organization. Until said additional commissioners are appointed, the quorum requirement for action by said commission shall be three, and thereafter it shall be a majority of the commissioners.

Historical Note

St. 1974 c. 463 §16

Chapter 13 - Board of Examiners

(Prepared by Sheldon Drucker, former Assistant Corporation Counsel)

Sec.

350 Board of Examiners. Appointment, Term, Compensation, Powers, Duties, Etc.

## §350 BOARD OF EXAMINERS. APPOINTMENT, TERM, COMPENSATION, POWERS, DUTIES, ETC.

There shall be in the building department a board, known as the Board of Examiners, consisting of three members appointed by the mayor, of whom one shall be an architect or engineer with at least five years' experience in the city, one a contractor or person well qualified in the supervision of construction work with at least five years' experience in the city, and one an attorney-at-law or other person versed in the law. The members in office when the Building Code took effect shall serve according to the provisions of their respective appointments for terms expiring one, two and three years, respectively, from May 1, 1961. As the term of any member in office when the Building Code took effect, or of any subsequent member, expires, his successor shall be appointed by the mayor for a term of three years. Vacancies in the board shall be filled by the mayor for the unexpired term.

The board of examiners shall elect one of its members as chairman and another as vice-chairman. Said board shall also elect a secretary, who need not be a member of the board. Each member of the board of examiners shall receive for every day or part thereof of actual service ten dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor; but no member shall so receive in any one year more than one thousand dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor.

The board of examiners shall have the powers and perform the duties from time to time conferred or imposed upon it by section 120 of the Boston Building Code.

## Historical Notes

- St. 1912 c. 713 §1
- St. 1938 c. 479 §120
- St. 1952 c. 212 §2
- St. 1959 c. 227
- St. 1972 c. 802 §78

## TITLE 10

## HOUSING SERVICES

Chap.		Sec.
1	Housing Authority . . . . .	.1
3	Rent and Eviction Regulation . . . . .	.100

Chapter 1 -- Housing Authority

(Prepared by Norman C. Ross, Assistant Corporation Counsel)

See G.L. c. 121B. The Boston Housing Authority (B.H.A.) was established on October 1, 1935 pursuant to St. 1935 c. 449 §5 (then G.L. c. 121 §26L - recodified as G.L. c. 121B §3) following a vote of the City Council of September 30, 1935, 1935 City Council Minutes 397-399; 1935 City Record 1252-1254. Its existence was "ratified and confirmed" by St. 1938 c. 484 §2. See Regulations. No Ordinances apply, except Title 14 §455.

Sec.

- 1 Sick Leave for Hourly Rate Employees

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§1 SICK LEAVE FOR HOURLY RATE EMPLOYEES

Notwithstanding the provisions of any general or special law to the contrary, hourly rate maintenance employees of the Boston Housing Authority shall be entitled to sick leave on the same terms and conditions as are applicable to administrative personnel of the Authority.

Historical Note

St. 1963 c. 270



Chapter 3 – Rent and Eviction Regulation  
(Prepared by Norman C. Ross, Assistant Corporation Counsel)

Sec.

100	Declaration of Emergency
101	Authority to Regulate Rents
102	Authority to Regulate Evictions
103	Civil Remedies
104	Criminal Penalties
105	Severability

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On November 27, 1972 the City Council passed an order accepting the state rent control statute, St. 1970 c. 842 (M.G.L.A. c. 40 App. §§1 - 12), which was approved by the Mayor on December 2, 1972, to become effective on January 1, 1973, establishing within the City of Boston a rent control administrator. Section 13 of chapter 842 provided that chapter 842 should terminate on April 1, 1975. St. 1974 c. 360 continued chapter 842 through December 31, 1975. Ordinances 1972 c. 19 (passed pursuant to the following special statutes provided for rent control of federally subsidized housing and had certain transitional provisions from the previous Rent Regulation Program (Ord. 1970 c.11, promulgated also under the authority of the following special statutes. It terminated also on December 31, 1975. Presently Rent Control for all units is administered pursuant to City of Boston Code, Ordinances, Title 10, chapter 3 (Ord. 1975 c. 15) which became effective on January 1, 1976. In Marshall House, Inc. v. Rent Control Board of Brookline, 358 Mass. 686 (1971) the constitutionality of chapter 842 was upheld.

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§100

## DECLARATION OF EMERGENCY

The general court finds and declares that a serious public emergency declared in chapter 797 of the acts of 1969 continues to exist in the City of Boston with respect to the housing of a substantial number of the citizens of the city, which emergency continues to be marked by a substantial shortage of rental housing accommodations; that, unless residential rents continue to be regulated and controlled and unless evictions of tenants are regulated and controlled, such emergency and the inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of the city; and that such emergency should be met immediately with due regard for the rights and responsibilities of the city.

## Historical Notes

St. 1970 c. 863 §1  
St. 1969 c. 797

## Cross Reference

St. 1970 c. 842 §1 (M.G.L.A. c. 40 App. §1)

§101

## AUTHORITY TO REGULATE RENTS

So long as the current public exigency, emergency or distress continues in the City of Boston, the city may by ordinance control the rent for the use or occupancy of housing accommodations in structures having three or more dwelling units, excluding motels, hotels, or inns, and excluding

housing accommodations in structures having three dwelling units one of which is occupied by the owner thereof as his permanent residence, and may create a board and empower it to establish as the maximum rent for such housing accommodations the rent in effect therefor on December 1, 1968; provided, however, that the ordinance shall authorize the board, by order, to make such individual adjustments in such maximum rents as may be necessary to remove hardships or to correct other inequities and may authorize the board by regulation to make such general adjustments in such maximum rents as may be necessary to remove hardships or to correct other inequities. In making individual and general adjustments to remove hardships or to correct other inequities, the board shall observe the principle of maintaining maximum rents for such housing accommodations at levels which will yield to landlords a fair net operating income from such housing accommodations. In determining whether the maximum rent for such housing accommodations yields a fair net operating income from such housing accommodations, due consideration shall be given to the following, among other relevant factors: (1) increases in property taxes; (2) unavoidable increases in operating and maintenance expenses; (3) major capital improvement of the housing accommodations as distinguished from ordinary repair, replacement and maintenance; (4) increases or decreases in living space, services, furniture, furnishings or equipment; and (5) substantial deterioration of the housing accommodations, other than ordinary wear and tear, or failure to perform ordinary repair, replacement or maintenance.

Upon a decision by the official City of Boston agency concerned with the regulation of the rents in a housing accommodation after proper hearing, either party concerned may appeal to the district court for the judicial district within which the housing accommodation is located or to the housing court of the city, within seven days after such decision.

#### Historical Notes

St. 1969 c. 797

St. 1970 c. 863 §2

St. 1971 c. 843 §23

#### Cross References

St. 1970 c. 842 (M.G.L.A. c. 40 App.)

St. 1970 c. 843

G.L. c. 185A

Mass. Const. Amend. Art. 89 §§6,7 (M.G.L.A. Const. Amend. Art. 2 §§6,7)

#### Case Annotations

**NECESSITY OF ENABLING LEGISLATION.** A city or town may not under its home rule powers (Mass. Const. Amend. Art. 89) enact rent control provisions. There must be "an explicit and appropriate delegation of authority . . . in accordance with and subject to specified statutory standards." Marshall House Inc. v. Rent Review and Grievance Board of Brookline, 357 Mass. 709, 720 (1970).

**STATUTORY STANDARDS.** Relative to the requirement of specified statutory standards, *Id.* see Marshall House Inc. v. Rent Control Board of Brookline, 358 Mass. 686, 702-707 (1971) and Rent Control Board of Cambridge v. Gifford, 1972 Adv. Sh. 1342, 285 N.E. 2d 449 (rescript 1972).

**FEDERALLY SUBSIDIZED HOUSING.** Under Ord. 1970 c. 11 (now expired), promulgated under the authority of the above statutes, the defunct Boston Rent Board sought to regulate Federally subsidized housing. A developer sued in Federal Court. Characterizing the various enabling acts involved (St. 1970 c. 842; St. 1969 c. 797 and St. 1970 c. 863) as a "riddle"

and a "draftsman's corkscrew," the Federal Courts abstained, holding that the statutes should be construed by the State Courts. Druker v. Sullivan, 458 F. 2d 1272 (1972). However, the Supreme Judicial court likewise refused to decide the question, holding that since both parties were urging them to declare that St. 1970 c. 842 has no effect on the power of the City to regulate rents, there is not an actual controversy as required for relief under the declaratory judgment act. Druker v. City of Boston, 1972 Adv. Sh. 1655 (rescript). The case now lies dormant in the Federal District Court where jurisdiction had been retained and is #71-45-F.

Meanwhile, under the provisions of a new ordinance (Ord. 1972 c. 19) another rent board is attempting to regulate federally subsidized housing and another developer is suing. As of this date no orders have been entered. The case is Charles River Park A. Inc. v. Brown, Fed. Dist. Ct. #73-1727-S.

#### Opinions of the Corporation Counsel

NECESSITY OF ENABLING LEGISLATION. Rent control governs the civil relationship between landlord and tenant and its imposition would not be incident to an independent municipal power. Thus municipalities may not regulate rents under the authority of the Home Rule amendment without enabling legislation. Opinion to the City Council, June 11, 1968, 51 OPIN. 192.

RELATIONSHIP OF ORDINANCES, GENERAL STATUTE AND SPECIAL STATUTE. Ordinance 1970 c. 19 must be made consistent with St. 1970 c. 863, and c. 863 and 842 are alternative options instead of being cumulative or supplementary. Opinion to Councilor John L. Saltonstall, Oct. 15, 1970, 52 OPIN \_\_\_\_\_

## §102

### AUTHORITY TO REGULATE EVICTIONS

The city ordinance provided for in §101 may also provide that: (a) No person shall bring any action to recover possession of a housing accommodation unless:

- (1) the tenant has failed to pay the rent to which the landlord is entitled;
- (2) the tenant has violated an obligation or covenant of his tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord;
- (3) the tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the housing accommodation, or is creating a substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants of the same or any adjacent accommodation;
- (4) the tenant is convicted of using or permitting a housing accommodation to be used for any illegal purpose;
- (5) the tenant, who had a written lease or rental agreement which terminated on or after the passage of chapter 863 of the acts of 1970 has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms as are not inconsistent with or violative of any provisions of chapter 863 of the acts of 1970;
- (6) the tenant has refused the landlord reasonable access to the housing accommodation for the purpose of making necessary repairs or improvements required by the laws of the United States, the commonwealth, or any subdivision thereof, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the housing accommodation to any prospective purchaser or mortgagee;
- (7) the tenant holding at the end of a lease term is a subtenant not approved by the landlord;



- (8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;
- (9) the landlord seeks to recover possession to demolish or otherwise remove the housing accommodation from housing use;
- (10) the landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purposes of chapter 863 of the acts of 1970.

(b) A landlord seeking to recover possession of a housing accommodation shall apply to the board for a certificate of eviction. Upon receipt of such an application, the board shall send a copy of the petition to the tenant of the housing accommodation together with a notification of all rights and procedures available under this section. If the board finds that the facts attested to in the landlord's petition are valid and in compliance with paragraph (a), the certificate of eviction shall be issued. Any application for a certificate of eviction shall be deemed to have been granted unless denied by the board within thirty days of such application or such shorter period as may be determined by ordinance.

(c) A landlord who seeks to recover possession of a housing accommodation without a certificate of eviction shall be deemed to have violated such ordinance, and the board shall initiate a criminal prosecution for such violation.

Notwithstanding the provisions of this section the United States, the commonwealth or any agency or political subdivision thereof may maintain an action or proceeding to recover possession of any housing accommodations operated by it where such action or proceeding is authorized by the statute or regulation under which such accommodations are administered.

The provisions of this section shall be construed as additional restrictions on the right to recover possession of a housing accommodation. No provision of this section shall entitle any person to recover possession of such a housing accommodation. Upon a decision of the board concerning the granting or withholding of a certificate of eviction, either party concerned may appeal to the district court within the jurisdiction of which the housing accommodation involved is located or to the housing court of the City of Boston.

#### Historical Notes

St. 1970 c. 863 §3

St. 1971 c. 843 §24

#### Cross References

G.L. c. 239

G.L. c. 186

St. 1970 c. 842 (M.G.L.A. c. 40 App.)

G.L. c. 185A

St. 1970 c. 843

Mass. Const. Amend. Art. 89 §§6,7 (M.G.L.A. Const. Amend. Art. 2 §§6,7)

#### CIVIL REMEDIES

(a) Any person who demands, accepts, receives or retains any payment of rent in excess of the maximum lawful rent, in violation of the provisions of chapter 863 of the acts of 1970 or any

regulation, order or ordinance hereunder promulgated, shall be liable as hereinafter provided to the person from whom such payment is demanded, accepted, received or retained, or to the city for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amount of one hundred dollars, or not more than three times the amount by which the payment or payments demanded, accepted, received or retained exceed the maximum rent which could be lawfully demanded, accepted, received or retained, whichever is the greater; provided that if the defendant proves that the violation was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation, the amount of such liquidated damages shall be the amount of the overcharge or overcharges.

(b) If the person from whom such payment is demanded, accepted, received or retained in violation of the provisions of chapter 863 of the acts of 1970 or any rule, regulation or ordinance thereunder promulgated fails to bring an action under this section within thirty days from the date of the occurrence of the violation, the board may settle the claim arising out of the violation or bring such action. Settlement by the board shall thereafter bar any other person from bringing action for the violation or violations with regard to which a settlement has been reached. In the event the board settles the claim, it shall be entitled to retain the costs it incurred in the settlement thereof, and the person against whom the violation has been committed shall be entitled to the remainder. In the event the city brings action under the provisions of this section, it shall be entitled to receive attorney's fees and costs under the provisions of paragraph (a) and the person against whom the violation was committed shall be awarded liquidated damages under the provisions of said paragraph (a).

(c) A judgement for damages or on the merits in any action under this section shall be a bar to any recovery under this section in any other action against the same defendant on account of any violation with respect to the same person prior to the institution of the action in which such judgement was rendered. Action to recover liquidated damages under the provisions of this section shall not be brought later than one year after the date of the violation. A single action for damages under the provisions of this section may include all violations of the provisions of this section committed by the same defendant against the same person.

#### Historical Note

St. 1970 c. 863 §3

#### Cross References

G.L. c. 185A

St. 1970 c. 842 (M.G.L.A. c. 40 App.)

### CRIMINAL PENALTIES

(a) It shall be unlawful for any person to demand, accept, receive or retain any rent for the use or occupancy of any housing accommodations in excess of the maximum rent prescribed therefor under the provisions of chapter 863 of the acts of 1970 or the orders, regulations or ordinance thereunder promulgated, or otherwise to do or omit to do any action in violation of the provisions of said chapter 863 or the orders, regulations or ordinance thereunder promulgated.

(b) It shall be unlawful for any person to demand, accept, receive or retain any payment which exceeds the maximum lawful rent for one month as a finder's fee or service charge for the opportunity to examine or lease any housing accommodation and no finder's fee or service charge

shall be lawful unless the person from whom the payment is demanded, accepted, received or retained actually rents or leases the housing accommodation with regard to which payment of the fee or the charge has been demanded, accepted, received or retained.

(c) Whoever willfully violates any provision of said chapter 863 or any rule, regulation or ordinance thereunder promulgated or whoever knowingly makes any false statement in any testimony before the board or whoever knowingly supplies the board with any false information shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days or both; provided, however, that in the case of a second or subsequent offense, such person shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than one year or both. The district court for the judicial district within which the housing accommodation affected is located and the housing court of the city of Boston shall severally have concurrent original jurisdiction over all such actions and complaints.

The superior court and the housing court of the city of Boston shall severally have jurisdiction in equity to restrain by injunction any violation of said chapter 863 and ordinances adopted thereunder and rules, regulations and orders promulgated by the board provided for by said chapter 863.

#### Historical Notes

St. 1970 c. 863 §3

St. 1971 c. 843 §§25,26

#### Cross References

G.L. c. 185A

St. 1970 c. 842 (M.G.L.A. c. 40 App.)

## §105

### SEVERABILITY

The provisions of chapter 863 of the acts of 1970 are severable, and if any of its provisions shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

#### Historical Note

St. 1970 c. 863 §2





## TITLE 11

## PUBLIC SERVICES

Chap.		Sec.
1	Police Department . . . . .	1
	Constables	
	Harbor Master	
3	Fire Department . . . . .	75
5	Public Works Department . . . . .	150
7	Real Property Department . . . . .	250
9	Library Department and Trustees of the Public Library . . . . .	325
11	Civil Defense . . . . .	400

Chapter 1 -- Police Department

(Prepared by John A. Fiske, Former First Assistant Corporation Counsel  
and Paul Edgar, Legal Assistant)

Sec.	
1	Police Commissioner. Qualifications, Appointment, Term, Compensation, Powers, Duties, Etc.
2	Acting Police Commissioner
3	Secretary
4	Appointment, Removal and Compensation of the Police and Complaints
5	Powers and Duties of the Police
6	Detective Bureau
7	Right of Way in Streets, Etc.
8	Right to Enter Private Ways
9	Days Off
10	Holidays
11	Vacation
12	Sick Leave
13	Overtime
14	Detailing of Police to Health Commissioner

15	Special Police
16	Special Patrolmen in Case of Emergency
17	Control of Police by Mayor in Case of Tumult, Riot, Etc.
18	Suspension of Liquor Licences in Case of Tumult, Riot, Etc.
19	Police Signal System
20	House of Detention for Women
21	Persons Suffering from Mental Disorders
22	Information to be Furnished Licensing Board Concerning Licensees, Etc.
23	Report on Violations of Conditions of Alcoholic Beverages Licenses
24	Special Powers and Duties of Police with Respect to Anti-Litter Ordinances
25	Towing of Motor Vehicles Illegally Standing on Private Property
	<u>Constables</u>
26	Appointment, Term, Removal
27	Bonds and Powers of Constables
	<u>Harbor Master</u>
28	Appointment, Tenure and Compensation
29	Jurisdiction
30	Powers and Duties of Harbor Master and Assistant Harbor Masters

§1 POLICE COMMISSIONER. QUALIFICATIONS, APPOINTMENT, TERM, COMPENSATION, POWERS, DUTIES, ETC.

There shall be a department, known as the police department, which shall be under the charge of an officer, known as the police commissioner, appointed by the mayor for a term of five years commencing on May first of the year in which he is appointed, except that any vacancy in said office shall be filled for the balance of the unexpired term. Such officer shall at the time of his appointment have had at least ten years' experience as a member of a federal, state or local police force or law enforcement agency. Notwithstanding the provisions of section 14 of chapter 486 of the acts of 1909 such officer may, after notice and hearing, be removed by the mayor for cause. Such officer shall not engage in any other business, and shall receive an annual salary of fifteen thousand dollars or such other sum as may from time to time be fixed by the city council with the approval of the mayor.

The police commissioner shall have cognizance and control of the government, administration, disposition and discipline of the department, and of the police force of the department and shall make all needful rules and regulations for the efficiency of said police; provided, however, that no such rule or regulation shall forbid any officer or member of said police from organizing or belonging to any organization composed solely of officers or members, or both, of said police and not affiliated with any outside organization other than the Massachusetts Police Association, and having among its objects the improvement of their conditions of employment, including leaves of absence, hours of labor and compensation. Officers and members of said police shall, whether on or off duty, be subject to the rules and regulations made under this section.

Any officer or member of said police shall have the right to petition the general court or the city council and to appear before any committee thereof; provided, that this paragraph shall not



authorize any officer or member to absent himself from duty without permission.

The police commissioner shall from time to time appoint a trial board, consisting of three captains, to hear the evidence in such complaints against officers or members of said police as said commissioner may deem it advisable to refer to said board. Said board shall report its findings to said commissioner, who may review the same and take such action thereon as he may deem advisable.

The police commissioner shall also have the powers and perform the duties from time to time conferred or imposed on him by statute. All licenses issued by said commissioner shall be signed by him and recorded in his office; and he may, in his discretion, at any time without a hearing and for any cause deemed satisfactory to him, suspend for such a period as he may deem proper any license issued by him.

#### Historical Notes

- St. 1853 c. 354 §1
- St. 1878 c. 244 §§1,2,4
- St. 1885 c. 323 §§1,2,4
- St. 1904 c. 353 §1
- St. 1906 c. 291 §§7,8,10
- St. 1907 c. 513 §1
- St. 1909 c. 221
- Sp. St. 1917 c. 307
- St. 1938 c. 377 §1
- St. 1945 c. 698 §1
- St. 1949 c. 325
- St. 1953 c. 54 6
- St. 1953 c. 452 §1
- St. 1956 c. 510 §1
- St. 1962 c. 322 §1,11

## §2

### ACTING POLICE COMMISSIONER

In case of the absence or disability of the police commissioner or of vacancy in his office without a temporary police commissioner having been appointed under section 61A of chapter 41 of the General Laws, the highest ranking officer of the police force of the city who is not absent or disabled or, if there are two such officers of equal rank, the senior of such officers as provided in section 4 shall be acting police commissioner. An acting police commissioner shall receive no extra compensation for his services as such.

#### Historical Notes

- St. 1906 c. 291 §§8,11
- St. 1962 c. 322 §1
- St. 1964 c. 739 §1

## §3

### SECRETARY

The police commissioner shall appoint a secretary, who shall be exempt from the civil service laws and rules, shall be sworn to the faithful performance of his duties, shall serve at the pleasure

of the police commissioner, and shall keep such records, issue such notices and attest such papers and orders as the police commissioner shall direct. Such secretary shall receive such annual salary as shall be fixed by the police commissioner with the approval of the mayor.

#### Historical Notes

St. 1885 c. 323 §§1,4

St. 1897 c. 320 §1

St. 1906 c. 291 §§7,8,9

St. 1920 c. 8 §1

St. 1938 c. 377 §1

St. 1962 c. 322 §1

## §4 APPOINTMENT, REMOVAL AND COMPENSATION OF THE POLICE AND COMPLAINTS

The police commissioner shall have authority to appoint, establish and organize the police, and to determine the highest rank, and next highest rank, within the police and for the purposes of section 8 of chapter 291 of the acts of 1906 seniority within such ranks, and shall appoint from the police, and as a part thereof, such number of officers of the highest rank, and next highest rank, as he may from time to time deem proper. The civil service laws and rules shall not apply to the appointment of such officers; nor shall the laws and rules apply to the removal of such an officer if, upon such removal, he is reinstated in the rank subject to the laws and rules held by him immediately prior to his appointment as such an officer. Officers of the highest rank and next highest rank shall receive such annual salary as shall from time to time be respectively fixed for them by the police commissioner with the approval of the mayor.

No person shall be appointed to the police unless at the time of his appointment he is, and for at least two years immediately prior thereto has been, a resident of the city except that this requirement shall not apply to any appointment of a police commissioner. Women shall be eligible for appointment to said police in the discretion of the police commissioner; and a separate list of women shall be established by the division of civil service.

The police commissioner shall from time to time appoint a trial board, consisting of three captains, to hear the evidence in such complaints against officers or members of the police as the commissioner may deem it advisable to refer to the board. The trial board shall report its findings to the commissioner, who may review the same and take such action thereon as he may deem advisable.

The police commissioner shall appoint from the police and as a part thereof such number of captains and other officers as he may from time to time deem proper. The police commissioner with the approval of the mayor shall establish, and may from the time to time revise, a compensation plan for the deputy superintendents, captains and other officers and members of the police, who shall be compensated in accordance therewith; provided, however, (1) that such deputy superintendents, captains and other officers and members of the police shall receive, commencing on January sixth, 1965, annual salaries which shall be no less than the annual salaries officers and members of the metropolitan district commission police force, of corresponding rank and years of service in such rank, were receiving on November third, 1964, (2) that lieutenant detectives and sergeant detectives shall receive annual salaries not less than 300 dollars in excess of the annual salaries of lieutenants and sergeants, respectively, and first grade detectives, second grade detectives and third grade detectives shall receive annual salaries not less than 500 dollars, 400 dollars and 300 dollars, respectively, in excess of the maximum annual salaries of patrolmen, and (3) that

In determining years of service, credit shall be given for years of service prior to January sixth, 1965.

#### Historical Notes

St. 1801 c. 26 §1  
St. 1821 c. 110 §13  
St. 1833 c. 62  
St. 1838 c. 123  
St. 1853 c. 354 §§1,3  
St. 1854 c. 448 §33  
St. 1878 c. 244 §§2,3  
St. 1885 c. 323 §§2,5,8  
St. 1906 c. 291 §§10,12,13  
St. 1909 c. 311  
St. 1920 c. 7  
St. 1920 c. 211  
St. 1935 c. 153  
St. 1947 c. 342 §1  
St. 1948 c. 408 §1  
St. 1949 c. 589 §1  
St. 1951 c. 665 §1  
St. 1962 c. 322 §1,10  
St. 1964 c. 739 §§2,3,4  
St. 1969 c. 411

### §5

#### POWERS AND DUTIES OF THE POLICE

The officers and members of the police shall have the powers and perform the duties from time to time conferred or imposed upon the chief and other police officers of cities by section 98 of chapter 41 of the General Laws, except that they shall when on duty carry such weapons as the police commissioner shall determine. The officers and members of the police shall also have the powers and perform the duties from time to time conferred or imposed on police or police officers in this commonwealth by general laws applicable to Boston.

#### Historical Notes

St. 1906 c. 291  
St. 1962 c. 322 §1  
St. 1964 c. 739 §3

### §6

#### DETECTIVE BUREAU

A detective bureau is hereby established in the police department of the city of Boston, with the following grades:--lieutenant detective, sergeant detective, first grade detective, second grade detective and third grade detective. As soon as may be after chapter 735 of the acts of 1950 becomes fully effective, the police officers, including superior officers, serving in the bureau of criminal investigation in the police department of said city, and the officers assigned to and carrying on criminal investigation work in the divisions of said department, shall be classified as detectives



and become members of said bureau. The police commissioner shall have the right to assign any of the detectives to any division or department of the police department and they shall come under the supervision of the superior officers of the division or department to which they have been assigned. Police officers so classified with the grade of lieutenant shall thereby qualify for the grade of lieutenant detective, those with the grade of sergeant shall thereby qualify for the grade of sergeant detective. Patrolmen special officers, so called, so classified who have performed criminal investigation work for ten years or more shall thereby qualify for rating as first grade detective. Patrolmen who have performed such work for five years or more, but less than ten years, shall thereby qualify for second grade detective, and patrolmen who have performed such work for less than five years shall thereby qualify for third grade detective. The police commissioner may transfer to the grade of third grade detective the regular patrolmen who have performed extraordinary and outstanding service in line of duty if he is of the opinion that such promotion is desirable and in the best interests of the service; provided, that in making such transfers, the requirements of chapter 31 of the General Laws need not be complied with; and provided, further, that such transfers shall be reported to the division of civil service as provided in section 18 of said chapter 31. For the purpose of promotions under section 20 of said chapter 31, to the grades of captain, lieutenant and sergeant respectively, the grades of lieutenant and detective lieutenant shall be deemed to be in the next lower grade to that of captain; the grades of sergeant and sergeant detective shall be deemed to be in the next lower grade to that of lieutenant; and the first grade detective, second grade detective, third grade detective and patrolman shall be deemed to be in the next lower grade to that of sergeant.

The members of the detective bureau shall receive the following compensation:--

A lieutenant detective shall receive an annual compensation of fifty-seven hundred dollars.

A sergeant detective shall receive an annual compensation of fifty-one hundred and sixty dollars.

A first grade detective shall receive an annual compensation of five hundred dollars in excess of the maximum salary received by a regular patrolman.

A second grade detective shall receive an annual compensation of four hundred dollars in excess of the maximum salary received by a regular patrolman.

A third grade detective shall receive an annual compensation of three hundred dollars in excess of the maximum salary received by a regular patrolman.

All members hereafter transferred to said bureau shall serve a probationary period of six months as such detectives, during which period the commissioner may transfer them from said bureau to other duties in the department, provided such duties are in accordance with their civil service rating, and a person so transferred shall not have any right of appeal as provided in chapter 31 of the General Laws. A member hereafter transferred to said bureau after he shall have served such a probationary period, or any officer of said department classified as a detective under section 1 of chapter 735 of the acts of 1950 at the time of passage thereof, may be transferred from said bureau to the rank held by him immediately prior to the date of his transfer to the detective bureau by order of the commissioner or if he has obtained subsequently as a result of civil service examinations a higher rank to said rank but he shall have a right of appeal to the trial board appointed under the provisions of chapter 291 of the acts of 1906, which shall have the power to hear and determine such appeal and the provisions of said chapter 31 shall in no way be applicable to said hearing and determination made thereunder. The decision of such trial board shall be final.

Historical Notes

St. 1948 c. 604 §1

St. 1950 c. 735 §§1,2

St. 1951 c. 665 §2

St. 1952 c. 586

St. 1960 c. 494 §2

## §7 RIGHT OF WAY IN STREETS, ETC.

The officers and members of the police, with the patrol wagons and ambulances thereof, shall have the right of way through any public way or alley in the city, subject to the rights of the fire department and of the Boston protective department; and whoever wilfully or maliciously abstracts or retards such right of way shall be punished by a fine not exceeding fifty dollars or by imprisonment in jail not exceeding three months.

### Historical Note

St. 1889 c. 57

### Cross Reference

G.L. c. 89 §7

## §8 RIGHT TO ENTER PRIVATE WAYS

The officers and members of the police may enter upon any private way therein that is open to travel, for the purpose of expelling trespassers therefrom and for the prevention of crime.

### Historical Note

St. 1912 c. 240 §2

## §9 DAYS OFF

The services of all police officers shall be restricted to five days in any one week; provided, that, in case of any public emergency, or of any unusual demand for the services of the police, service in excess of five days may be authorized by the police commissioner, and such additional services shall be compensated for as overtime. The compensation payable to any police officer shall not be reduced by reason of this section.

### Historical Notes

St. 1907 c. 513 §1

St. 1938 c. 122 §1

St. 1943 c. 274 §1

St. 1950 c. 323 §1

## §10 HOLIDAYS

If any police officer is required to work on January first, February twenty-second, April nineteenth, May thirtieth, July fourth, the first Monday of September, October twelfth, November eleventh,

Thanksgiving day or Christmas day, or the day following when any of the five days first mentioned, or October twelfth, November eleventh or Christmas day, occurs on Sunday, he shall be given an additional day off, or, if such additional day off cannot be given by reason of a personnel shortage or other cause, he shall be entitled to an additional day's pay; provided, that a police officer who, through a rotation of shifts, works different days in successive weeks shall be granted, in each year in which the number of holidays falling on his regular days off is in excess of the number of holidays in each year falling on Saturday, additional days off equal to the excess; and if any such additional day off cannot be given because of personnel shortage or other cause, an additional day's pay shall be allowed in lieu thereof.

#### Historical Notes

St. 1906 c. 291 §13

St. 1948 c. 135 §1

St. 1953 c. 546 §1

#### Cross Reference

G.L. c. 147 §17A

## §11

### VACATION

The police commissioner shall grant to members of the police department annual vacations, without loss of pay, as follows:

For less than one year's service, a vacation allowance of one day for each month of service;

For service of one year or more, but not more than five years, a vacation allowance of two weeks;

For service of five years or more, but not more than ten years, a vacation allowance of three weeks;

For service of ten years or more, a vacation allowance of four weeks.

Service in any capacity in the employ of the commonwealth, the county of Suffolk or the city of Boston shall be included in computing length of service for the purpose of the above paragraph. The assignment of vacation periods shall be arranged by the police commissioner for such time or times as best serve the public interest. Vacation allowances may not be accumulated from one vacation year to another without authorization of the commissioner. Absences on account of sickness in excess of those authorized by the above paragraph may, at the discretion of the commissioner, be charged to vacation allowance.

Whenever the employment of a police officer is terminated during a year by dismissal through no fault or delinquency on his part or by retirement or death, without his having been granted the vacation to which he is entitled under this section, he, or in case of his death, his estate, shall be paid, at the regular rate of compensation payable to him at the termination of his employment, an amount in lieu of such vacation; provided, that no monetary or other allowance has already been made therefor. The police commissioner shall enter on the departmental payroll all amounts payable under this paragraph.

#### Historical Notes

St. 1947 c. 146 §§1,2,3

St. 1950 c. 243 §1

St. 1953 c. 436 §6

St. 1957 c. 598 §1

St. 1962 c. 430 §1



## SICK LEAVE

Members of the police department shall, after completing six months of continuous service, be allowed sick leave with pay for periods not to exceed fifteen working days annually for each year of service thereafter. Sick leave not used in the year in which it accrues may be accumulated for use in a subsequent year. Sick leave with pay shall be granted to said members only when they are incapacitated for the performance of their duties by sickness, injury, exposure to contagious diseases or by serious illness or death of members of their immediate family. Notification of such absences shall, where conditions warrant, be given as early as possible on the first day of absence. If such notification is not given, such absence may, at the discretion of the police commissioner, be applied to vacation leave or leave without pay. For periods of absence of five working days or more or a total number of days absence which exceeds ten working days in any one calendar year, the police commissioner may require evidence in the form of a physician's certificate of the necessity for such absence. If such certificate is not filed within seven days after a request therefor, such absence may be applied, at the discretion of the police commissioner, to vacation leave or leave of absence without pay.

Members of the police department whose service is terminated through death, resignation, retirement or dismissal shall not be entitled to compensation in lieu of any leave not taken. Any of such members who are reinstated may be credited with accrued sick leave due them at the termination of their previous service.

### Historical Notes

St. 1947 c. 146 §§2,4,5

St. 1955 c. 437 §1

## §13

### OVERTIME

Any police officer who is required to perform any service beyond his regular established hours of service on primary day or at any parade, marathon race, road race or any public celebration or while police listing, shall be compensated for such additional hours of service at the rate by the hour of his regular compensation.

### Historical Notes

St. 1949 c. 426 §1

St. 1952 c. 260 §1

### Cross Reference

G.L. c. 41 §111H

## §14

### DETAILING OF POLICE TO COMMISSIONER OF HEALTH AND HOSPITALS

The police commissioner shall, upon requisition by the commissioner of health and hospitals, detail to the exclusive service and direction of the commissioner of health and hospitals, for enforcing the laws and ordinances relating to the preservation of health and to tenement and lodging houses, such number, not exceeding ten, of police officers satisfactory to the commissioner of health and hospitals as the commissioner of health and hospitals may desire, and the services of the police officers so detailed shall be paid for by the department of health and hospitals; and said officers so detailed shall continue subject to the direction of the commissioner of health and hospitals

until exchanged for others at the request of said last named commissioner. The police commissioner is hereby authorized and empowered to appoint patrolmen, in number not exceeding ten, to fill any vacancies in the police force which may be caused by the detailing of officers as provided in this paragraph.

#### Historical Notes

St. 1889 c. 450 §7

St. 1911 c. 287 §1

St. 1965 c. 656 §2

## §15

### SPECIAL POLICE

The police commissioner may, subject to the provisions of sections 13 to 20 inclusive of chapter 103 of the Public Statutes, appoint railroad police, and may upon the written application of any officer or board in charge of a department of the city, approved by the mayor, appoint special police officers for such department.

The police commissioner may, if he deems it expedient, on the application of any corporation or person that the commissioner may deem responsible, appoint special police officers to serve without pay from the city, and the corporation or person applying for an appointment under this section shall be liable for the official misconduct of the officer appointed on such application, as for the torts of any servant or agent in the employ of such corporation or person.

Every special police officer appointed under the provisions of this section shall serve from the time of his appointment to the first day of April of the year next ensuing, and shall have the power of police officers to preserve order and to enforce the laws and ordinances of the city in and about any park, public ground, place of amusement, place of public worship, wharf, manufactory or other locality specified in the application. Every special police officer appointed under the provisions of this section upon the written application of the fire commissioner of the city shall have the power of police officers to preserve order and to enforce all laws, ordinances, rules and regulations in force in the city pertaining to fires and the extinguishment thereof, the prevention of fires, fire perils and other related matters, including, without limiting the generality of the foregoing, all laws, ordinances, rules and regulations governing the movement, stopping or standing of vehicles and designed to facilitate the free movement throughout the city of fire department vehicles proceeding to any fire or answering any alarm. No person shall be appointed a special police officer under the provisions of this section upon the application of said fire commissioner except officers of the fire department and inspectors of the fire prevention division. A record of all appointments made under the provisions of this section shall be kept in the office of the appointing authority, and any appointment so made may be revoked by such authority at any time. Every special police officer appointed under the provisions of this section upon the written application of the commissioner of traffic and parking shall have all the powers and duties of a police officer, including those conferred or imposed by section 20C of chapter 90 of the General Laws, to enforce all laws, rules and regulations regulating, directing, controlling or restricting the stopping or standing of vehicles in public ways and in off-street parking areas and facilities deemed to be ways under the control of the city. Every special police officer appointed under the provisions of this section upon the written application of the commissioner of public works shall have the power of police officers to preserve order and to enforce all laws, ordinances, rules

and regulations in force in the city pertaining to abandoned automobiles, litter, and garbage, rubbish and other refuse.

#### Historical Notes

- St. 1878 c. 244 §6
- St. 1898 c. 282 §§1,2,3
- St. 1950 c. 674
- St. 1965 c. 295
- St. 1965 c. 365 §1
- St. 1968 c. 308

#### Cross Reference

- St. 1906 c. 291 §20
- St. 1962 c. 322 §§2,2A

### §16 SPECIAL PATROLMEN IN CASE OF EMERGENCY

The police commissioner may, upon an emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint as many special patrolmen, without pay, from among the citizens, as he may deem desirable. During the service of any special patrolman authorized as aforesaid, he shall possess such powers and privileges, and perform all the duties, that may be by orders, rules and regulations, from time to time prescribed.

#### Historical Note

- St. 1878 c. 244 §7

#### Cross Reference

- St. 1906 c. 291 §20
- St. 1962 c. 322 §2,2A

### §17 CONTROL OF POLICE BY MAYOR IN CASE OF TUMULT, RIOT, ETC.

In case of tumult, riot or violent disturbance of public order, the mayor shall have, as the exigency in his judgment may require, the right to assume control for the time being of the police; but before assuming such control he shall issue his proclamation to that effect, and it shall be the duty of the police commissioner to execute all orders promulgated by him for the suppression of such tumult, riot or disturbance and the restoration of such order.

#### Historical Notes

- St. 1878 c. 244 §8
- St. 1885 c. 323 §6
- St. 1948 c. 452 §34

#### Cross References

- St. 1906 c. 291 §20
- St. 1962 c. 322 §2,2A



## §18 SUSPENSION OF LIQUOR LICENCES IN CASE OF TUMULT, RIOT, ETC.

The police commissioner or mayor may, if in the judgment of either of them exigency requires, suspend and make inoperative any license to sell intoxicating liquors during any period of tumult, riot or violent disturbance of public order; and any licensee who, personally or by his servants or agents, sells, furnishes or delivers any intoxicating liquors during such suspension shall be punished by a fine of two hundred dollars for each offence, and his license shall become forfeited.

## Historical Note

St. 1906 c. 291 §19

## §19 POLICE SIGNAL SYSTEM

The police commissioner is hereby authorized to introduce and maintain in the several police divisions an electrical signal and telephonic system, and to provide such patrol wagons, horses, equipments and accommodations for the same as in the opinion of the commissioner may be necessary for the purpose.

The police commissioner is hereby authorized to attach the wires and fixtures used in the police service to any posts and structures now erected or that may be hereafter erected in the city for the support of wires used in the transmission of electricity: provided, however, that such wires and fixtures shall not be attached to poles and structures belonging to the fire alarm department except by consent of the fire commissioner; and shall have the same privileges in respect to underground wires that are now or may be hereafter enjoyed by other departments of the public service.

The police commissioner may expend, in addition to the amount authorized by chapter 325 of the acts of 1887, the sum of seventy-five thousand dollars for the further introduction and extension in the several police divisions of an electrical signal and telephonic system, and may provide such patrol wagons, horses, equipments and accommodations as in the opinion of the police commissioner may be necessary therefor. The police commissioner may from time to time for the purpose of providing therefor, draw upon the collector-treasurer, an amount not exceeding said sum, and the collector-treasurer shall pay the same upon the requisition of the police commissioner out of the receipts for liquor license fees which shall remain in the treasury after the provisions of section 14 of chapter 100 of the Public Statutes have been complied with. The provisions of said chapter 325 of the acts of 1887 shall apply to the extension of said system as herein provided.

## Historical Notes

St. 1887 c. 325 §§1,3

St. 1888 c. 402 §1

## Cross References

St. 1906 c. 291 §20

St. 1962 c. 322 §§2,2A

## §20

## HOUSE OF DETENTION FOR WOMEN

The police commissioner shall maintain a house of detention for the reception and confinement of women under arrest; and for that purpose the commissioner shall have the authority to hire, lease, alter and arrange a building or buildings, and to fit up the same in a suitable manner. Reasonable salaries for the officers and assistants of such house of detention hereinafter provided for shall be fixed by concurrent action of the city council and of the police commissioner, and such salaries, together with all expenses incurred for the establishment of such house of detention, for the maintenance of the same, and for the transportation of prisoners thereto and therefrom, shall be paid by the collector-treasurer upon the requisition of the police commissioner. The police commissioner may prescribe all needful rules and regulations, not inconsistent with this section, for the government of such house of detention. The officers of such house of detention shall consist of a chief matron, who shall be subject to the civil service laws and rules, an assistant chief matron, and as many assistant matrons and other male or female assistants as the police commissioner may deem necessary for the proper management of the same. The chief matron and assistant chief matron shall be appointed by the police commissioner, but no woman shall be appointed unless suitable for the position and recommended therefor in writing by at least twenty-five women of good standing, residents of the city; they shall be appointed to hold office until removal, and they may be removed at any time by the police commissioner by written order stating the cause of removal. The assistant matrons and other assistants shall be appointed, and may be suspended, by the chief matron, subject to the approval of the police commissioner. Either the chief matron or the assistant chief matron shall be on duty at all hours of the day and night. A police officer who takes a woman to such house of detention shall render such assistance in placing her under confinement as the chief matron or assistant chief matron may require, and the chief matron or assistant chief matron may at any time send to the nearest police station for such police assistance as she may require.

## Historical Note

St. 1887 c. 234 §3

## Cross References

St. 1906 c. 291 §20

St. 1939 c. 256

St. 1962 c. 322 §§2, 2A

G.L. c. 31 §4

## §21

## PERSONS SUFFERING FROM MENTAL DISORDERS

All persons suffering from delirium, mania, mental confusion, delusions or hallucinations, now under arrest or in confinement, or who may hereafter be arrested by, or come under the care or protection of the police of the city and who, owing to a lack of suitable buildings or wards, are at present placed in the city prison, the house of detention or the house of correction on Deer Island, pending a medical examination and transference, shall be taken for examination directly to the hospital constructed under the provisions of chapter 470 of the acts of 1909, when said hospital is ready for the reception of patients, in the same manner in which persons afflicted with other diseases are taken to a general hospital. If, after examination, the physician decides the case to be one of delirium tremens or drunkenness, the hospital shall not be obliged to admit the patient, but

otherwise the said hospital shall admit, observe and care for all persons suffering from delirium, mania, mental confusion, delusions or hallucinations until they can be committed or admitted to the hospital or institution appropriate in each particular case, unless the patient should recover or should be placed by the physician in charge of the said hospital in the care of his friends before such committal or admission.

No person suffering from delirium, mania, mental confusion, delusions or hallucinations shall be harbored or confined in any penal institution within the city for a period exceeding twelve hours.

Historical Note

St. 1910 c. 307 §§1,3

§22 INFORMATION TO BE FURNISHED LICENSING BOARD CONCERNING LICENSEES, ETC.

It shall be the duty of the police commissioner and his subordinates to obtain and to furnish to the licensing board such information as may be required by the board from them or any of them relative to the character or fitness of a licensee of the board or of an applicant for any license which the board is empowered to issue, relative to the place at which the business authorized by any license is or is proposed to be conducted, and also relative to the manner in which any business authorized by any license is at any time being conducted. Such information shall be given in writing or orally as the licensing board may require.

Historical Note

St. 1906 c. 291 §17

§23 REPORTS ON VIOLATIONS OF CONDITIONS OF ALCOHOLIC BEVERAGE LICENSES

If the police commissioner is at any time of the opinion that a person holding a license to sell intoxicating liquors has violated or permitted a violation of any condition of his license, the police commissioner shall forthwith give notice to such licensee of the violation or violations aforesaid, and shall transmit to the licensing board a report in writing containing a statement of the conditions of the license that have been violated, together with a copy of said notice. If the licensing board, after a hearing as prescribed by section 47 of chapter 100 of the Revised Laws, shall determine that said license shall be forfeited, they shall, within thirty days after the receipt of the report of the commissioner, so notify said licensee and said commissioner; and said notice may be served upon said licensee by a police officer by delivering the same to him in hand or by leaving it at the place of abode of the licensee or at the place where the business authorized by such license is carried on. Upon such notice the license shall become forfeited. If the licensing board finds that the license should not be forfeited, they shall, within thirty days after the receipt of the report aforesaid, notify the commissioner of such finding, and shall also notify the licensee.

Historical Notes

St. 1906 c. 291 §15

Sp. St. 1917 c. 145



## §24

## SPECIAL POWERS AND DUTIES OF POLICE WITH RESPECT TO ANTI-LITTER ORDINANCES

If a police officer takes cognizance of a violation of any provision of sections 41,42,43,44,45,46,49A or 49B of chapter 29 of the Revised Ordinances of 1961, and if such violation is not within the purview of section 16 of chapter 270 of the General Laws, he shall forthwith give to the offender a written notice to appear before the clerk of the district court having jurisdiction, at any time during office hours, not later than twenty-one days after the time of such violation. Such notice shall be made in triplicate and shall contain the name and address of the offender, the time, place and nature of the violation, and the name of the police officer. Upon the completion of his tour of duty such police officer shall give his commanding officer two copies of such notice. The commanding officer shall retain one such copy in his files and, not later than the next court day, deliver the other copy to the clerk of the court before whom the offender has been notified to appear. The notice to appear shall be printed in such form as the chief justice of the municipal court of the city and the chief justice of the district courts may prescribe for such courts.

A police officer taking cognizance of any such violation may request the offender to state his name and address. Whoever, upon such request, refuses to state his name and address or states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than twenty nor more than fifty dollars. Any such offender who refuses upon such request to state his name and address may be arrested without a warrant.

Any person notified to appear before the clerk of a district court as hereinbefore provided may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such clerk, with the notice, the sum provided herein, such payment to be made only by postal note, money order or check. If it is the first, second or third offense subject to this section committed by such person within the jurisdiction of the court in the calendar year, payment to such clerk of the sum of one dollar shall operate as a final disposition of the case; if it is the fourth or subsequent such offense so committed in such calendar year, payment to such clerk of the sum of two dollars shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

Should any person notified to appear before the clerk of the district court fail to appear or, having appeared, desire not to avail himself of the procedure hereinbefore provided for the noncriminal disposition of the case, the clerk shall, as soon as may be, notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for criminal cases. If any person fails to appear in accordance with the summons issued upon such complaint the clerk shall send such person by registered mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one days from the sending of such notice a warrant for his arrest will be issued. If any person fails to appear within twenty-one days from the sending of such notice, the court shall issue a warrant for his arrest.

## Historical Notes

St. 1966 c. 366

St. 1973 c. 835

## §25 TOWING OF MOTOR VEHICLES ILLEGALLY STANDING ON PRIVATE PROPERTY

Any officer in charge of a police station, when notified by the owner or person in charge of private property that a person has committed the offense of trespass by parking a motor vehicle upon a private way or upon improved or enclosed land in the city after having been forbidden so to do by the person who has lawful control of said premises, either directly or by notice posted thereon, may authorize such motor vehicle to be removed and stored in any convenient place in the city by an independent contractor at no expense to and without any liability on the city. In addition to any other penalty for such offense the registered owner of such motor vehicle shall be liable for charges for the removal and storage of said motor vehicle; provided that the liability so imposed for removal and storage shall not exceed the amounts authorized under section 2 of chapter 263 of the acts of 1929, as amended.

## Historical Notes

St. 1961 c. 351 §1

St. 1970 c. 221

Constables

(Prepared by John A. Fiske, Former Assistant Corporation Counsel)

## §26 APPOINTMENT, TERM, REMOVAL

The mayor, subject to confirmation by the city council, is hereby empowered to appoint annually such a number of persons as constables as the public service may require.

All constables appointed by the mayor and confirmed by the city council shall hold office for terms of one year beginning with the first day of May in the year of appointment and until their respective successors are appointed and confirmed; and may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order for removal.

## Historical Notes

St. 1802 c. 7 §1

St. 1821 c. 110 §13

St. 1854 c. 448 §33

St. 1885 c. 266 §1

St. 1890 c. 418 §1

St. 1909 c. 486 §1

## Cross Reference

G.L. c. 41 §§91-92

## §27 BONDS AND POWERS OF CONSTABLES

Constables shall have the same powers as are by law vested in constables chosen by the towns in this Commonwealth.

Bonds shall be payable to and the sureties therein approved by the collector-treasurer; and no constable shall serve until he has given and filed such bond in a sum not less than three thousand dollars, with the approval of the mayor and city council indorsed thereon, and with condition for the faithful performance of his duties in the service of all civil processes committed to him.

Suits upon bonds of constables in the city shall be governed by the provisions of general law; provided, that nothing herein contained shall affect any such bond in force on March 27, 1925.

#### Historical Notes

- St. 1802 c. 7 §1
- St. 1814 c. 164
- St. 1860 c. 147 §1
- St. 1869 c. 247
- St. 1925 c. 171 §§1,2

#### Cross Reference

- G.L. c. 41 §§93-95

#### Harbor Master

(Prepared by Noel R. Bartsch, Assistant Corporation Counsel)

§28

### APPOINTMENT, TENURE AND COMPENSATION

The police commissioner of the city of Boston may, if he shall deem it expedient, annually appoint a harbor master for the port of Boston, who shall hold his office for one year, and until another shall be appointed in his place, or until he shall be removed by the police commissioner and, before entering upon his office, he shall give bond to the city, with sufficient sureties, to the satisfaction of the police commissioner in the penal sum of two thousand dollars, conditioned for the faithful discharge of the duties of his office.

The harbor master and assistant harbor masters shall receive the pay now established, or which may hereafter be established, for the grade of rank which they respectively hold in the police force of the city.

#### Historical Notes

- St. 1847 c. 234 §5
- St. 1862 c. 64 §1
- St. 1882 c. 216
- St. 1889 c. 147 §§1,2
- St. 1906 c. 291 §10

§29

### JURISDICTION

The harbor master of the port of Boston shall have jurisdiction, which shall be exclusive, over (1) so much of the waters of Boston harbor, including the public navigable arms, tributaries and inlets thereof, as lie within the territorial limits of the city, except the Charles river basin as defined



in section 2 of chapter 524 of the acts of 1909, as amended; (2) so much of all other waters lying within a line drawn from Point Allerton, north-northeast to Green island and thence to Winthrop highlands as constitute improved ship channels maintained to a depth of thirteen feet or more as shown on United States Coast and Geodetic Survey chart 246 as now or hereafter revised or on United States Coast and Geodetic Survey chart 248 as now or hereafter revised; and (3) the waters within Anchorage Area 5 shown on said chart 246.

#### Historical Notes

St. 1908 c. 579 §1

St. 1960 c. 268

St. 1961 c. 329 §1

### §30

#### POWERS AND DUTIES OF HARBOR MASTER AND ASSISTANT HARBOR MASTERS

No vessel which shall cast anchor in the harbor of Boston, between India wharf and Gray's wharf shall anchor within five hundred feet of the line described in the second section of an act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year 1837; and no vessel which shall cast anchor between the easterly side of Lamson's wharf and the easterly side of Tuttle's wharf, at East Boston, shall anchor within five hundred feet of the line described in the fifth section of "an act concerning the harbor of Boston," passed the seventeenth day of March, in the year 1840, unless for the purpose of hauling in, as soon as practicable, to some wharf in the harbor, or unless compelled to do so by reason of stress of weather, or unavoidable casualty; and, for every offense against either of the foregoing provisions, after having been notified thereof by the harbor master, who may be appointed as hereinafter mentioned, or by any party aggrieved, the master, commander, or owners of such vessel, shall be subject to a penalty not exceeding twenty-five dollars.

The master, commander, or owners, of every vessel, shall, as soon as practicable, after having hauled to the end of any wharf that extends to the channel in the harbor, cause all her yards to be cockbilled, and her jib-boom to be rigged in, so that the jib-boom may not annoy any other vessel or vessels going in or out of the adjoining docks; and the lower yards and jib-boom shall be kept so arranged while such vessel lies at the end of the wharf as aforesaid, and until she is preparing immediately to leave her berth; and for every offence against any of the provisions in this section, the master, commander, or owners, or either of them, of such vessel, shall be subject to a penalty not exceeding ten dollars.

No person shall throw or deposit in the harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud, or other substances, which may, in any respect, tend to injure the navigation thereof; and whoever shall offend against the provisions of this section, and the master or owners of any vessel on which an offending person is situated, shall be subject to a penalty not exceeding fifty dollars.

No warp or line shall be passed across the mouth of any slip, for the purpose of hauling a vessel by the slip, before the vessel shall be within one hundred feet of the slip, if the owners or occupants thereof object, unless the harbor master, who may be appointed as hereinafter mentioned, shall have decided it to be necessary; and, for every offence against this provision, the master, commander, or owners of such vessel, shall be subjected to a penalty not exceeding five dollars.

It shall be the duty of the harbor master to enforce the execution of the several provisions described above, and of all other laws of the Commonwealth relating, in any way, to the harbor, and to prosecute all violations of such laws and ordinances, and to take all lawful measures to prevent the doing of any act by which the flow of the tides, or the force, direction, or depth of the current into, out of, or through the harbor may, in any degree, be injuriously affected. And the harbor master shall also have authority so to regulate the anchorage of vessels, that, as far as may be practicable, ferry-boats may pass unobstructed, and the channel shall be kept clear from the wharves to Castle Island.

All the several penalties may be recovered by complaint before the police court of the city, or by indictment, for the use of the city.

The harbor master also has the authority to regulate the anchorage of all vessels in the upper harbor of Boston, and, when necessary, to order the removal of such vessels, and to cause the same to be removed in obedience to such order, at the expense of the master or owners thereof; and if any person shall obstruct the harbor master in the performance of any of his duties, as prescribed by this chapter, or shall neglect or refuse to obey any lawful order made by the harbor master, he shall be liable to a penalty, not exceeding fifty dollars, for each offence, to be recovered, by indictment, for the use of the city.

All vessels at anchor in the harbor shall keep an anchor-watch at all times, and shall keep a clear and distinct light, suspended at least six feet above the deck, during the night; and whenever those provisions shall be violated on board any vessel, the master or owners shall be liable to a penalty of not more than twenty dollars, to be recovered in the manner provided in this chapter, and shall be held liable to pay all damages that may be occasioned by such violation.

#### Historical Notes

St. 1847 c. 234 §6

St. 1848 c. 314 §1

St. 1862 c. 64 §2

St. 1889 c. 147 §1

#### Cross Reference

G.L. c. 102 §19 et seq.

Chapter 3 -- Fire Department

(Prepared by Thomas F. McKenna, Jr. and Norman C. Ross, Assistant Corporation Counsels)

## Sec.

75	Fire Commissioner. Appointment, Term, Compensation
76	Powers and Duties of Fire Commissioner
77	Fire Chief
78	Other Personnel
79	Compensation of Fire Fighting Force
80	Compensation of Officers and Members of Fire Alarm Division
81	Regulation of Employment
82	Relief of Disabled Fire Fighters
83	Firemen's Relief Fund
84	Training School on Moon Island
85	Fire Alarm Signal Station in Fens
86	Indemnification of Fire Fighters
87	Fire Prevention Code

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§75 FIRE COMMISSIONER. APPOINTMENT, TERM, COMPENSATION

The fire department of the city shall be under the charge of one fire commissioner, who shall be appointed for the term of three years, and shall receive an annual salary of five thousand dollars, or such other salary as the city council may by ordinance prescribe.

A person holding the office of chief engineer may be appointed to the office of fire commissioner and in such case may continue to hold the office of chief engineer, but shall receive more than one salary.

## Historical Notes

- St. 1825 c. 52
- St. 1826 c. 97
- St. 1828 c. 123
- St. 1831 c. 52
- St. 1850 c. 262
- St. 1885 c. 266
- St. 1895 c. 449 §§2,9
- St. 1945 c. 304

§76 POWERS AND DUTIES OF FIRE COMMISSIONER

The fire commissioner shall have the charge of extinguishing fires in the city and the protection of life and property in case of fire, and shall purchase and keep in repair all apparatus used therefor, including the fire alarm telegraph and telephone system; shall divide the city into fire districts and establish a fire patrol; shall have and exercise all the powers and duties conferred by statute upon the board of fire commissioners of the city or upon fire engineers, and shall appoint a chief



engineer, engineers and other firemen. The fire commissioner shall have and exercise all the powers and duties conferred by the ordinances of the city upon the board of fire commissioners of the city, subject to such changes and alterations in said ordinances, not inconsistent herewith, as the city council may hereafter from time to time make by ordinance.[The fire commissioner is, ex officiis, an associate traffic commissioner. The fire commissioner is, ex officiis a member of the Firemens Relief Fund corporate body.]

#### Historical Notes

St. 1895 c. 449 §10

St. 1909 c. 308 §1

St. 1911 c. 134 §

St. 1929 c. 263 §

St. 1949 c. 186

St. 1957 c. 253 §1

St. 1960 c. 755 §1

### §77

#### FIRE CHIEF

The fire commissioner shall appoint the fire chief, who shall direct the work of the members of the fire department in case of fire, act as the executive officer of said fire commissioner, and have authority, in case of fire, to prevent persons not authorized by him from coming within the lines that he may under such circumstances establish in the neighborhood of the building or buildings in which a fire may have occurred.

#### Historical Note

St. 1895 c. 449 §§10,11

St. 1953 c. 473

### §78

#### OTHER PERSONNEL

The fire commissioner shall appoint a chief engineer, engineers and other firemen. Persons five feet five inches in height or over, if otherwise qualified, shall be eligible for appointment on the fire fighting force.

#### Historical Notes

St. 1819 c. 229

St. 1895 c. 449 §10

St. 1896 c. 424 §1

Revised Laws c. 19 §11

#### Cross Reference

G.L. c. 31 §5B

### §79

#### COMPENSATION OF FIRE FIGHTING FORCE

The officers and members of the fire fighting force of the fire department shall receive such annual salary as shall from time to time be fixed by the fire commissioner with the approval of the

mayor; provided, however, that the chief of department shall not receive as an annual salary less than eleven thousand nine hundred and forty dollars, nor an assistant chief less than ninety-eight hundred and forty dollars, nor a deputy chief less than eighty-eight hundred and forty dollars, nor a district chief less than eight thousand dollars, nor a captain less than sixty-nine hundred and sixty dollars, nor a lieutenant less than sixty-two hundred and eighty dollars, nor a fire fighter after the second year of service less than fifty-five hundred dollars or in the second year of service less than five thousand and thirty dollars or in the first year of service less than forty-eight hundred and eighty dollars.

Historical Note

St. 1958 c. 411 §1

§80

COMPENSATION OF OFFICERS AND MEMBERS OF FIRE ALARM DIVISION

The officers and members of the fire alarm division of the fire department shall receive such annual salary as shall from time to time be fixed by the fire commissioner with the approval of the mayor; provided, however, that the superintendent of fire alarm shall not receive as an annual salary less than eighty-eight hundred and forty dollars, nor an assistant superintendent less than eight thousand dollars, nor a general foreman of fire alarm construction or a radio supervisor less than seventy-three hundred and sixty dollars, nor a principal fire alarm operator or a foreman of inside wiremen or a foreman of linemen and cable splicers less than sixty-nine hundred and sixty dollars, nor a senior fire alarm operator or a radio operator or a working foreman machinist or a working foreman lineman and cable splicer or an inside wireman less than sixty-two hundred and eighty dollars, nor an electrical equipment repairman after the second year of service less than fifty-seven hundred dollars or in the second year of service less than five thousand and thirty dollars or in the first year of service less than forty-eight hundred and eighty dollars, nor a fire alarm operator or a radio repairman or a machinist or a cable splicer or a lineman or a motor equipment operator after the second year of service less than fifty-five hundred dollars or in the second year of service less than five thousand and thirty dollars or in the first year of service less than forty-eight hundred and eighty dollars.

Historical Note

St. 1958 c. 411 §2

§81

REGULATION OF EMPLOYMENT

The hours of duty of the permanent members of the uniformed fire fighting force shall be so established by the fire commissioner, that the average weekly hours of duty in any year, other than hours during which such members may be summoned and kept on duty because of conflagrations, shall not exceed forty-eight in number.

The members of the fire department may reside outside the city; provided, they reside within the commonwealth and within ten miles of the limits of the city.

Historical Note

G.L. c. 48 §§58B,58C

## §82 RELIEF OF DISABLED FIRE FIGHTERS

The city may expend for the relief of firemen disabled in the service of the city any sum not exceeding three thousand dollars annually, in addition to the sums which may be paid for pensions.

## Historical Notes

St. 1850 c. 262 §5

St. 1854 c. 375

St. 1873 c. 258

St. 1898 c. 246

## Cross Reference

G.L. c. 48 §81

## §83 FIREMEN'S RELIEF FUND

The fire commissioner and twelve members of the fire department to be chosen as hereinafter provided, and their successors, constitute the body corporate for the purpose of receiving and holding all sums of money, and real and personal estate not exceeding in the aggregate four hundred thousand dollars, which may be given, granted, bequeathed or devised to it for the benefit of members of the Boston fire department and members of the Boston protective department or their families requiring assistance, or for the benefit of any persons, or the families of any persons, who have been such members, and who require assistance. The property so held and the corporation is known as the Boston Firemen's Relief Fund. The corporation has authority to manage and dispose of the said fund and the income thereof according to its discretion, subject to the provisions of any trusts which may be created for the purpose aforesaid. Said corporation has all the powers and privileges and is subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to similar corporations: provided, that said corporation shall not be subject to the laws relating to life or accident insurance companies or to the laws relating to fraternal beneficiary societies; and, provided, further, that it shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said corporation.

The twelve members of the fire department mentioned above shall be elected by ballot by the members of the department in the following manner:-- On the second Monday of September in the year 1911 there shall be elected twelve members, and no member of the department shall vote for more than twelve. The four members receiving the largest number of votes shall serve for three years, the four receiving the next largest number of votes shall serve for two years, the four receiving the next largest number of votes shall serve for one year. In case two or more members elected should receive an equal number of votes, those who are the seniors by terms of service in the fire department shall for the division into classes hereby required be classified as if they had received the larger number of votes in the order of their seniority. Thereafter on the second Monday of September in each year there shall be elected by ballot four members to serve for a term of three years, and no member of the fire department shall vote for more than four. The one member of the Boston protective department hereinafter mentioned shall be elected by ballot by the members of the Boston protective department on the second Monday of September in the year 1911 to serve for three years, and thereafter, triennially, on the said second Monday of September there shall be elected one member to serve for three years. No member of the Boston protective department shall vote for more than one. All said terms shall



begin on the second Tuesday following the election. When a vacancy occurs in the membership of the corporation the remaining members shall elect by a majority vote a member of either of the aforesaid departments to fill the vacancy for the remainder of the year. The vacancy for the remainder of the unexpired term shall be filled at the next annual election. The annual election of the members of the corporation shall be under the supervision of an election committee of eight members appointed by the fire commissioner; and said election shall be by secret Australian ballot and shall be conducted at the fire department headquarters of the city between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon. The election committee shall have the power to prescribe the form of common ballot box and checkoff list, and rules for observers. Ballots shall be counted immediately after the close of the election under the supervision of the election committee.

The corporation shall, subject to the approval of the majority of the members of the Boston Fire Department at the annual election of the members of the Boston Firemen's Relief Fund, and further, subject to the approval of the fire commissioner, adopt by-laws for the management of its property and for carrying out its purposes; and it shall annually, within sixty days after the election herein provided for, choose such officers as may be required by its by-laws. The corporation shall annually file a report with the city clerk of Boston and with the commissioner of corporations and taxation showing in detail its assets and liabilities, its receipts of money or other property, the source of such receipts, and a statement of all sums paid out for relief or for expenses, with the names of the persons receiving the same.

The corporation created by chapter 308 of the acts of 1909 shall be the successor of and shall have the same rights, powers and privileges and be subject to the same duties, obligations and liabilities as the corporation created by section 4 of chapter 107 of the acts of 1880, except in so far as the same are changed by this section; and the property held by said corporation and known as the Boston Firemen's Relief Fund shall become the property of and be held by the corporation thereby created.

#### Historical Notes

St. 1880 c. 107 §4

St. 1881 c. 22

St. 1906 c. 170

St. 1909 c. 308

St. 1911 c. 134

St. 1949 c. 186

St. 1952 c. 140

St. 1960 c. 129

#### §84

#### TRAINING SCHOOL ON MOON ISLAND

The city is authorized to establish, develop and maintain on Moon island in Boston harbor a school for instructing its fire fighters in the techniques of extinguishing fires and of protecting life and property in case of fire; and for such purpose said island shall be deemed to be within the limits of the city within the meaning of section 15A of chapter 40 of the General Laws.

#### Historical Note

St. 1956 c. 86

## §85 FIRE ALARM SIGNAL STATION IN FENS

The city, acting through its fire department, may maintain a fire alarm signal station within the limits of the Back Bay Fens.

## Historical Note

St. 1923 c. 309

## §86 INDEMNIFICATION OF FIREFIGHTERS

The city shall also indemnify a member of its police or fire force, or a person required to assist a member of its police force in the discharge of his duties, to the extent and in the manner herein provided, for expenses or damages incurred by him in the defence or settlement of a claim against him for acts done by him while acting as such member or assistant; but the city shall not indemnify under this section for expenses or damages incurred in the defence or settlement of any action or any claim unless the defence or settlement of such action or claim shall have been made by the corporation counsel of the city.

## Historical Notes

St. 1933 c. 324

St. 1943 c. 431

St. 1950 c. 412

## Cross Reference

G.L. c. 41 §100

## §87 FIRE PREVENTION CODE

Upon the written recommendation of the fire chief of the city, the city council, with the approval of the mayor, may from time to time make, amend and repeal ordinances for the purpose of preventing or remedying in the city any condition in or about any building, structure or other premises or on any ship or vessel which may tend to cause a fire or to become a fire hazard, with penalties for the violation thereof not exceeding a fine of fifty dollars for any one offence or, in the case of a continuing offence, by a fine of not more than ten dollars for every day during any portion of which the violation continues; provided, however, that if any provision of any such ordinance is inconsistent with any general or special law applicable in or to the city, or with any rule or regulation made by any agency, as defined in section 1 of chapter 30A of the General Laws, or with any provision of the Boston Building Code, such provision of such ordinance shall be inoperative.

Said chief shall not make, under section 28 of chapter 148 of the General Laws, any order or rule inconsistent with any such ordinance.

The superior court shall have jurisdiction in equity, upon application of the fire chief of the city, to enforce any such ordinance.

Chapter 3 of the Ordinances of 1959 establishing the Boston Fire Prevention Code, as amended

by section 1 of chapter 8 of the Ordinances of 1960, except sections 1.24 and 1.25 of Article 1 thereof, is hereby validated and confirmed to the same extent as though section 1 of chapter 314 of the acts of 1962 had been in effect at the time said ordinance and amendment was adopted.

Historical Note

St. 1962 c. 314



Chapter 5 -- Public Works Department  
(Prepared by David H. Drohan, Assistant Corporation Counsel)

Sec.

Water

- 150 Water System.  
151 Water System, High Pressure for Extinguishment of Fires.

Sewerage

- 152 Surface Drainage.  
153 Appropriations for Sewer Construction.  
154 Powers and Duties of Commissioner of Public Works.  
155 Taking of Land for Sewerage Works.  
156 City Liable for Damages Caused to Private Property.  
157 Sewerage Construction to be Financed by Bonds.  
158 Betterment Assessments.  
159 Criminal Penalty for Damage to Sewerage Works  
160 Equity Jurisdiction.  
161 Collection.  
162 Apportionment.  
163 Revisions.

Occupation of Public Ways for the Storage and Sale of Merchandise

- 164 Issue of Licenses to Use Streets for Sale and Storage of Merchandise.  
165 Procedure Upon Applications for Licenses.  
166 Reference of Application to Police Commissioner and Approval and Disapproval Thereof by Him.  
167 Issuance of License.  
168 Terms of Licenses and Renewals Thereof.  
169 Fees for Licenses, Etc.  
170 Record of Licenses, Etc. To be Kept.  
171 Occupation of Streets in Market Limits.  
172 Certain Streets, Etc. May be Designated by Police Commissioner for Hawkers and Peddlers Without Licenses.  
173 Penalties.  
174 Planting and Removal of Trees in Public Ways and Temporary Obstruction in Public Ways.

Water

§150

## WATER SYSTEM

[The commissioner of public works as successor in function to the water commissioner provided for by section 12 of chapter 449 of the acts of 1895 shall have the powers and perform the duties from time to time conferred or imposed by section 27 of chapter 92 of the General Laws. He may establish such hydrants in such places as he may from time to time deem proper and prescribe the purposes for which they may be used, and may change or discontinue such hydrants. He may enter upon and dig up any public way, turn-pike-road, railroad, state highway or other way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing such pipes; and for such purposes, he may also lay pipes over or under any water course.

Where upon the express request of a person, or upon the request implicit in a person's ownership of real estate to or for which water is supplied or provided for through one or more water meters therefor, the city supplies or provides for water or renders service or furnishes materials in connection therewith, such person shall be liable to the city in an action of contract for the rates and charges due therefor. An action of tort for the recovery of damages for the use, without the consent of the commissioner of public works, of any water owned by the city may be maintained by the city against the person using such water.

The income received each year by the city from its water system shall be applied to meet the expenses incurred for the maintenance of such system, including the operation, extension, improvement and renewal thereof, to meet the assessment apportioned to the city under section 26 of chapter 92 of the General Laws, and to meet the interest requirements on loans, and the principal of maturing serial loans, issued for such system. If such income in any year shall not be sufficient for such payments, the balance required therefor shall be raised by taxation or by loan as the city may determine; and the city may assess such taxes and make such loans without further authority from the general court. If such income in any year shall exceed such payments, the balance shall be used to meet interest requirements, or maturing serial loan payments, on any debt of the city.]

#### Historical Notes

William Kerr's compendium of the statutes relating to the water system is here printed because an exact codification of the many statutes involved would be unnecessarily prolix and confusing. The following are his historical notes: "The first paragraph of this section, recognizing the abolition of the Water Department by Ord. 1910 c.9 (passed under authority of St. 1909 c.486 §5), treats St. 1895 c.449 §13, as superseded by St. 1895 c.488 §20 (now G.L. c.92 §27), adding sentences to codify so much of St. 1846 c.167 §2 as is not obsolete or covered by G.L. c.92 §27. The second paragraph of the section codifies St. 1846 c.167 §14, insofar as neither obsolete nor covered by G.L. c.92 §19; but in doing so, it rephrases the liability in contract to remedy the imperfection in existing law which has never been reconciled with water meter practices. The third paragraph of the section codifies with verbal changes only St. 1898 c.427 §1, as amended by St. 1914 c.324 §1 except for omission of mention of sinking fund requirements obsolete under St. 1909 c.486 §26. St. 1898 c. 424 §2 as amended by St. 1914 c.324 §2, is repealed without codification as the sinking fund affected was exhausted October 1, 1924. (St. 1898 c.427 §3 was repealed by St. 1903 c.191 §3). Chapter 205 of the Acts of 1881 entitled "An Act To Authorize the City of Boston To Attach Meters To Buildings Which It Supplies With Water" is repealed without codification as superseded by St. 1907 c.524 §1 (see now G.L. c.92 §28). St. 1892 c.213 and St. 1895 c.206, both relating to the income from the water supplies of the city, are severally repealed without codification as superseded by statutes hereinbefore cited."

#### Cross Reference

Please refer to the above historical note for references to the General Laws.

#### §151

#### WATER SYSTEM. HIGH PRESSURE FOR EXTINGUISHMENT OF FIRES

[ The commissioner of public works may maintain a suitable and efficient high pressure water system for exclusive use in the extinguishment of fires in the city and such pipes, pumps and stations as may be necessary therefor.]

## Historical Notes

William Kerr's compendium of the statutes relating to the water system is here printed because an exact codification of the many statutes involved would be unnecessarily prolix and confusing. The following are his historical notes: "This section codifies the currently operative provisions of St. 1911 c.312 as amended by Sp. St. 1916 c.175. As more fully appears from City Document No. 26 of 1917, pp.530-531, the authority given by Sp. St. 1916 c.175 to construct a high pressure pumping station in the Charles River Basin was abandoned because it was determined that the station should be located to better advantage for power, hydraulic conditions, and proposed extension of the piping system."

Sewerage

## §152 SURFACE DRAINAGE

The expense of the construction and maintenance of sewers in the city designed for the disposal of surface drainage solely, except the expenses incurred in the improvement of brook courses or streams for sewerage works purposes, shall be borne wholly by the city.

## Historical Notes

St. 1902 c. 526 §1

Sp. St. 1915 c. 108 §1

## §153 APPROPRIATIONS FOR SEWER CONSTRUCTION

The board or boards authorized to make appropriations for the city, by a majority vote of the members of such board or boards, approved by the city council of the city by the affirmative vote of two thirds of all the members of each branch thereof, taken by a call of the yeas and nays, or, if there should be no such board or boards, then the city council by such two thirds vote, may annually appropriate, to be met by the issue of bonds as hereinafter provided, such sums as shall be recommended by the commissioner of public works, with the approval of the mayor, for constructing sewerage works in the city, and shall also appropriate, to be met by the annual income and taxes of the city, sums for maintaining and operating the sewerage works, and such sums as the collector-treasurer of the city shall each year determine to be the amount to be used for interest on the bonds issued for sewerage works, and also the amount to be used for the sinking funds for bonds issued for sewerage works, which, with all other amounts so used, and their accumulations, will pay all such bonds at maturity; and there shall also be used for said sinking funds all premiums received from the sale of said bonds, and all amounts received for breach of any contract for constructing sewerage works, or for securities deposited as security for making such contracts and declared to be forfeited to the city, or for sales of property. All sewers, drains, pumping stations and other works for the collection or disposal of sewerage, or surface or ground water in the city shall be included in the term "sewerage work", as used in this chapter, and no such work shall hereafter be constructed in the city, except under authority of this chapter, or of chapter 323 of the Acts of 1891 and acts in amendment of or in addition to said acts or either of them, unless the same has been ordered to be constructed before the passage thereof. Any such sewerage work aforesaid may hereafter be constructed by the commissioner of public works of the city, or by such other officer as the mayor shall designate, in any public way or place, or in any land owned by the city or in which the city has acquired authority to lay such sewerage work; but before commencing the construction of any sewer the



superintendent or officer shall cause to be recorded in the Suffolk Registry of deeds a statement approved by the mayor of his intention to construct the sewer, naming the street or otherwise describing the land in which the sewer is to be constructed, and giving his estimate of the cost thereof.

#### Historical Notes

- St. 1897 c. 426
- St. 1898 c. 257 §1
- St. 1899 c. 450 §1
- St. 1900 c. 478 §3
- St. 1903 c. 268 §1
- St. 1908 c. 204
- St. 1930 c. 178 §1

### §154

#### POWERS AND DUTIES OF COMMISSIONER OF PUBLIC WORKS

The commissioner of public works of the city from time to time, with the approval of the mayor, may order that sewers or drains be constructed in the city; that streams or water courses within the limits of the city be filled up or diverted from their original channels; that any such channel or any new channel be widened, deepened, paved or covered; that closed or open sewers or conduits be constructed for the drainage of lands, or that any part of any such stream or water course be so treated, or that any one or more of such things be done.

The commissioner of public works or such other officer as the mayor of the city shall from time to time direct shall construct sewerage works as authorized by section 153, and shall carry out every such order of the commissioner, and may at the expense of the city construct and maintain such work under or over any water course or private land, railroad or public way, in such manner as not to unnecessarily obstruct or impede public travel, and may alter or change the location or grade of any public way in which any such work is constructed, may alter or change the course of any water course, and in general may do any other act or thing deemed by him to be necessary in constructing or maintaining such work.

#### Historical Notes

- St. 1897 c. 426 §4
- St. 1903 c. 268 §2
- St. 1953 c. 473
- Rev. Ord. 1961 c. 21 §1

### §155

#### TAKING OF LAND FOR SEWERAGE WORKS

The commissioner may take for the city by purchase or otherwise any lands in fee, and any rights or easements in lands, sewers, water courses and ways, which the commissioner may deem necessary for sewerage works, and in order to take any such lands, water courses, rights or easements other than by purchase, the commissioner, shall sign and cause to be recorded in the registry of deeds for the county of Suffolk a statement that the same are taken for sewerage works, describing the same as certainly as is required in a common conveyance of land, and the lands, water courses, rights or easements so described shall upon such recording become the property of the city.

## Historical Notes

St. 1897 c. 426 §3

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §1

## §156

## CITY LIABLE FOR DAMAGES CAUSED TO PRIVATE PROPERTY

The city shall pay all damages sustained by the owner of any land, water course, right or easement taken by the board, or injured in any manner, or by any person, in doing any act or thing under section 154, the same to be agreed upon by the board with the approval of the mayor and the owner, and if they cannot agree the damages shall, on the petition of the owner or mayor, be determined by a jury of the superior court for the county of Middlesex or for the county of Suffolk in the manner provided by law with respect to lands taken for highways in the city, and costs shall be taxed and execution issued in favor of the prevailing party, as in civil cases. Any person whose water rights are thus taken or injured may apply as aforesaid within three years from the time of such taking or injury, and not afterwards. In any case where a petition is filed by the mayor in the county of Middlesex, the cause shall be transferred to the county of Suffolk if the owner, within thirty days after the filing of the petition, shall file in the office of the clerk of courts for the county of Middlesex a statement in writing that he desires the cause to be tried in the county of Suffolk.

## Historical Notes

St. 1897 c. 426 §5

St. 1899 c. 450 §2

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §1

## §157

## SEWERAGE CONSTRUCTION TO BE FINANCED BY BONDS

The collector-treasurer of the city, to meet the expenses incurred in constructing any sewerage works heretofore or hereafter ordered to be constructed in the city, shall from time to time on the request of the commissioner, approved by the mayor, issue to the total amount appropriated, but not exceeding two million dollars in the aggregate in the period included in the years 1897 and 1898, bonds of the city, registered or coupon, as the collector-treasurer shall from time to time determine, and the same, so far as issued prior to the first day of January 1908, shall not be considered in determining the limit of indebtedness of the city; the bonds shall have printed on the face thereof the words, Sewerage Loan; shall be countersigned by the mayor and be made payable in terms of thirty years from their date; and shall bear such rates of interest not exceeding four per cent per annum, payable semi-annually on the first day of January and the first day of July of each year, and be issued and disposed of in such amounts, in such modes, and at such times and prices, as the collector-treasurer, with the approval of the mayor shall from time to time determine.

## Historical Notes

St. 1897 c. 426 §6

St. 1932 c. 224 §1

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §1

## §158

## BETTERMENT ASSESSMENTS

The public works commissioner of the city at any time within six months after any new sewer or drain for the collection or disposal of sewage or of surface or ground water is completed, shall assess an amount not exceeding three fourths of the cost thereof proportionately upon the several estates especially benefited by such sewer or drain; but no such assessment shall exceed the amount of the special benefit received. Every assessment made under this section shall constitute a lien upon the estate assessed from and after the date of the approval by the mayor of the order of the commissioner of public works under section 2 of chapter 511 of the acts of 1945 for the construction of the sewer or drain. Such lien shall continue for the same period and under the same conditions as a lien established under chapter 80 of the General Laws and acts in amendment or revision thereof. The provisions of said chapter 80, and acts in amendment or revision thereof, relative to the apportionment, division, reassessment, abatement and collection of assessments, and to interest, shall apply to assessments made under this section.

The commissioner of public works of the city may assess upon any estate heretofore or hereafter connected with a public sewer a reasonable part of the cost of construction thereof; provided that no owner of the estate has paid for such sewer or has paid any assessment for its construction. Every assessment made under this section shall from the time of assessment constitute a lien upon the estate assessed. Such lien shall continue for the same period and under the same conditions as a lien established under chapter 80 of the General Laws and acts in amendment or revision thereof. The provisions of said chapter 80, and acts in amendment or revision thereof, relative to the apportionment, division, reassessment, abatement and collection of assessments, and to interest, shall apply to assessments made under this section.

## Historical Notes

- St. 1897 c. 426 §7
- St. 1899 c. 450 §3
- St. 1912 c. 371 §1
- St. 1945 c. 511 §1
- St. 1953 c. 93 §1
- St. 1957 c. 31 §1

## Cross References

- G.L. c. 80
- G.L. c. 83

## §159

## CRIMINAL PENALTY FOR DAMAGE TO SEWERAGE WORKS

No person shall destroy or injure any sewerage work of said city, or without lawful authority therefor pollute or place or maintain any obstruction in any natural water course therein; and whoever violates any provision of this section shall for each offence be punished by a fine not exceeding one thousand dollars or by imprisonment in the house of correction not exceeding six months, or by both such fine and imprisonment.

## Historical Note

- St. 1897 c. 426 §9



## §160 EQUITY JURISDICTION

The supreme judicial court and any justice thereof, shall have jurisdiction in equity, on the complaint of said city by its attorney, to enforce the provisions of this chapter and to prevent any violation thereof.

## Historical Note

St. 1897 c. 426 §10

## §161 COLLECTION

Every assessment for an improvement specified in this chapter shall bear interest until paid, from the day when it is payable, which shall be the thirtieth day after it is made, and if not paid before the first day of April of the year next after the year in which it is made, the assessors of the city shall include in the annual tax bills for the parcel, or in separate bills, annually, until the assessment is paid, a sum not exceeding ten per cent of the amount thereof, and shall also include in the bill for the first year interest on said amount from the thirtieth day after the assessment is made to the last day of October of such year, and in the bill for each year thereafter one year's interest on the amount of the assessment remaining unpaid; or, if the parcel has been divided as hereinafter provided, the assessors shall include the several apportionments and their proportions of interest in the annual tax bills, for the divisions, or in separate bills, and every amount in any such bill shall be collected and paid into the city treasury in the same manner in which taxes are collected and paid.

## Historical Notes

St. 1906 c. 393 §7

St. 1920 c. 101 §1

## §162 APPORTIONMENT

The owner of any estate in the city on which an assessment has been made for the construction of any highway, sewer or sidewalk in the city, may pay a part of such assessment, and the commissioner of public works of the city may then at his discretion, with the approval of the mayor, relieve a proportional part of the estate from further lien and liability for the assessment, and the remainder of the assessment shall continue to be a lien on the remaining part of the estate and be assessed and collected in the manner provided by law for the entire assessment, so far as applicable.

## Historical Notes

St. 1895 c. 297 §1

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §1

## §163 REVISIONS

The owner of any real estate in the city on which any betterment assessment authorized by law shall have been made may apply to the board which made the assessment for a revision thereof;

provided, that any part of the same remains unpaid or shall have been paid under protest; and provided, further, that an application to revise an assessment hereafter made shall be filed with the commissioner within one year after he gives notice that the assessment has been made; and the commissioner, within two months thereafter, shall revise or refuse to revise the assessment. If a revision is made any excess of the original assessment over the revised assessment shall be abated by the commissioner; and if any part of such excess shall have been paid under protest the commissioner shall issue a certificate of the abatement to the collector-treasurer, who shall thereupon repay such part to the person for whom the assessment was paid, or to his legal representative, and charge the same to the appropriation for the work on account of which the assessment was made.

#### Historical Notes

St. 1903 c. 235 §1

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §1

### Occupation of Public Ways for the Storage and Sale of Merchandise

§164

#### ISSUE OF LICENSES TO USE STREETS FOR SALE AND STORAGE OF MERCHANDISE

The commissioner of public works of the city may issue, under the conditions hereinafter provided and under rules of its own not inconsistent herewith, licenses for the use of specified parts of public streets in the city for the storage and sale of merchandise.

#### Historical Notes

St. 1907 c. 584 §1

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3

§165

#### PROCEDURE UPON APPLICATIONS FOR LICENSES

A person seeking such a license shall file with the commissioner a written application therefor, stating his name, age, occupation, residence and place of business, if any, and whether or not he is a citizen of the United States or has declared his intention to become such. He shall describe accurately in writing, by plan or otherwise, the location, the shape and the dimensions of the space which he desires to occupy, the movable structures which he proposes to use, and the kinds of merchandise which he wishes to store and to sell. He shall submit as part of his application the written consent to the issuance of the license on the part of the owner or owners of the premises in front of which he desires to carry on business and of the tenants of the ground floor of such premises, or in lieu thereof the written consent of the duly authorized agent or agents of such owners and tenants. When the privilege for which a license is asked is to be exercised in front of premises owned by the city the owner's consent herein provided for may be given by the department having charge of the premises. An application from a firm or a corporation shall be made by such partners or officers and under such further conditions as the commissioner shall determine, and every partner or officer so designated shall give concerning himself the information as to age, occupation, citizenship, residence and place of business which is required of an individual applicant.

## Historical Notes

St. 1907 c. 584 §2

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3

## §166

## REFERENCE OF APPLICATION TO POLICE COMMISSIONER AND APPROVAL AND DISAPPROVAL THEREOF BY HIM

The application shall be sent by the commissioner of public works to the police commissioner of the city, with a request for a report thereon. It shall be the duty of the police commissioner forthwith to examine in person or by means of his subordinates the location for which the license is asked, with particular reference to the effect of its use as desired upon the free passage of vehicles and of foot passengers and upon the maintenance of public order. In his report to the commissioner of public works, which shall be made as soon as practicable, he may certify his approval or disapproval, or his approval conditional upon amendments to be made in the application as affecting the precise location, its area or the kinds of merchandise to be stored and sold thereon.

## Historical Notes

St. 1907 c. 584 §3

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3

## §167

## ISSUANCE OF LICENSES

Should the commissioner of public works and the police commissioner agree as to the propriety of issuing a license, the authority for further action shall be vested in the public works commissioner; but no license shall become effective until twenty-four hours after a copy thereof has been delivered to the police commissioner.

## Historical Notes

St. 1907 c. 584 §4

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3

## §168

## TERMS OF LICENSES AND RENEWALS THEREOF

A license issued by the commissioner of public works may be for one or more week days in each week, for such hours daily as it shall in each case determine, and for any period not exceeding twelve months. It may be renewed on an application conforming to the conditions and in accordance with the procedure prescribed in this chapter. It may be suspended or revoked for any reason which the commissioner shall consider sufficient.

## Historical Notes

St. 1907 c. 584 §5

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3



## §169 FEES FOR LICENSES, ETC.

For each license issued and for each renewal thereof the commissioner of public works shall charge and collect in advance a fee of not less than five dollars nor more than one hundred dollars, according to his estimate of the value of the privilege granted, the receipt of which fee shall be certified on the face of the license. He may make and collect an additional charge as rent whenever the licensee is not the principal tenant of the ground floor of the premises in front of which the location is granted; or whenever such tenant is the licensee but carries on in the location for which the license is issued a business which in the manner of its conduct or in the character of the merchandise which is sold differs materially from the business in which he is mainly engaged at that place.

## Historical Notes

St. 1907 c. 584 §6

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3

## §170 RECORD OF LICENSES, ETC. TO BE KEPT

The commissioner of public works shall cause to be kept at his office full and accurate records of his doings under sections 164 - 173 of this chapter, open to the public under reasonable restrictions, and at all times to the mayor of the city or to such persons as he may designate. Separate accounts shall be kept of moneys received from licenses and from rentals derived from the use of parts of the public streets. Employees of the public works department entrusted with the receipt or the custody of such moneys shall be required to give bonds for the faithful performance of their duties to such amount in each case and of such character as the commissioner shall determine. Moneys received under the provisions of the preceding sections shall be paid over to the collector-treasurer weekly, or more frequently, with a statement in detail of the sources from which they were derived; and the collector-treasurer shall give his receipt therefor. The commissioner shall include in his annual report a reasonable summary of his doings under the authority of sections 164 - 173.

## Historical Notes

St. 1907 c. 584 §7

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3

## §171 OCCUPATION OF STREETS IN MARKET LIMITS

Requirements and prohibitions contained in this section or elsewhere to the contrary notwithstanding, it shall be lawful to occupy without license or fee places in the streets, not including sidewalks, within the limits of Faneuil Hall Market, as the same are or may be defined in the ordinances and other market limits added under authority of this chapter, for the sale from wagons or other vehicles of fresh provisions and perishable produce: provided, that the same are the product of the farm of the person offering them for sale, or are meats to be sold at wholesale only by the person who slaughtered the animals of which the same were a part. It shall also be lawful for persons who are the principal tenants of basement or of ground-floor

parts of buildings abutting on streets within the market limits, as they have been declared or defined by the public works commissioner, and who are regularly engaged in the business of selling fresh provisions or perishable produce to occupy, from time to time, by themselves or their employees, without license or fee, for the sale of said goods at wholesale and not by auction, parts of the roadway in front of their respective premises with vehicles, and in like manner to occupy parts of the roadway in front of the premises of other persons engaged in the same business within said limits for the purpose of selling to them or of offering to them for sale said goods under the conditions described in this paragraph; provided, however, that such persons offer no objection. Occupations under authority of this paragraph shall be only in accordance with rules and regulations established from time to time by the public works commissioner, the police commissioner concurring, for the purpose of securing the orderly and convenient transaction of business and the free passage of vehicles and of foot passengers within and through said limits; and in so far as they shall deem proper the said public works commissioner, the police commissioner concurring, may further allow tenants to occupy temporarily with goods parts of sidewalks in front of their respective premises additional to such parts as may be specified in licenses issued to them by the public works commissioner. Nothing in this section shall prevent the owner of a farm from allowing a person or persons solely employed by him to sell the products of such farm.

The public works department is hereby authorized and directed to set aside an area along Blackstone street from Haymarket square to North street in the city of Boston, said area being shown on a plan entitled John F. Fitzgerald Expressway, North street to Oliver street, Boston, General Plan Highway - 1 dated February 29, 1952 on file in the department of public works. The said area shall be for the use of hawkers and peddlers to stop or stand for the purpose of selling their merchandise and shall be open for the use of such hawkers and peddlers on Fridays, Saturdays and the days preceding legal holidays from eight o'clock in the morning until midnight, and may be open on such other days as the department of public works may determine provided, that such hawkers and peddlers carry on their business in conformity to the laws of the commonwealth and the regulations established by the department of health and hospitals of the city.

#### Historical Notes

- St. 1859 c. 211
- St. 1860 c. 152 §1
- St. 1896 c. 376
- St. 1907 c. 584 §8
- St. 1908 c. 519 §1
- St. 1937 c. 90 §1
- St. 1952 c. 504 §1
- St. 1953 c. 473
- Rev. Ord. 1961 c. 21 §3
- St. 1965 c. 656

§172

#### CERTAIN STREETS, ETC. MAY BE DESIGNATED BY POLICE COMMISSIONER FOR HAWKERS AND PEDDLERS WITHOUT LICENSE

The police commissioner may designate from time to time certain streets, or parts of streets, or sections of the city wherein, and not elsewhere in the city, it shall be lawful on the days and within the hours specified by him, and under such general rules as he shall make, for any hawker

or peddler, without the license provided for in this chapter, to stop or stand for the purpose of selling merchandise; provided, that such hawkers or peddlers carry on their business in conformity with the laws of the Commonwealth, the ordinances of the city, and the regulations of the city council and of the commissioner of health and hospitals, now or hereafter enacted and not inconsistent herewith.

#### Historical Notes

St. 1907 c. 584 §9

St. 1909 c. 486 §1

St. 1953 c. 473

Rev. Ord. 1961 c. 21 §3

St. 1965 c. 656

### §173

#### PENALTIES

A person who uses or occupies a part of a public street in the city, otherwise than according to the provisions of the preceding sections, for the purchase, sale, storage or display of merchandise or other articles except materials or appliances used or to be used for public purposes or for building operations under authority or license lawfully conferred or issued by or under an ordinance of the city, now in existence or hereafter enacted, shall be subject to a fine not exceeding twenty dollars for the first offence and not exceeding one hundred dollars for each subsequent offence, and should such person be unknown to the police officer witnessing such use or occupation he may be arrested by the officer without a warrant.

#### Historical Notes

St. 1907 c. 584 §10

St. 1909 c. 329

### §174

#### PLANTING AND REMOVAL OF TREES IN PUBLIC WAYS AND TEMPORARY OBSTRUCTION IN PUBLIC WAYS

The jurisdiction formerly exercised by the board of aldermen concerning the planting and removal of trees in the public ways and the use of the public ways for any temporary obstruction or projection in, under, or over the same, is vested in the commissioner of public works, to be exercised by said commissioner with the approval in writing of the mayor.

#### Historical Notes

St. 1909 c. 486 §5

St. 1953 c. 473 §1

Rev. Ord. 1961 c. 21 §3

Rev. Ord. 1971 c. 21 §36



Chapter 7 -- Real Property Department

(Prepared by Norman C. Ross, Assistant Corporation Counsel and  
Samuel B. Spencer, Former Assistant Corporation Counsel)

Sec.

250	Real Property Board
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§ 250 REAL PROPERTY BOARD

The chairman of the real property board shall receive as compensation such sum as may be fixed by the city council, with the approval of the mayor.

All members of the real property board, established by chapter 434 of the acts of 1943 and by Ord. 1954 c. 2 §§58, 59 (Rev. Ord. 1961 c. 22 §1) and authorized by chapter 474 of the acts of 1946 to proceed with the establishment of public off-street parking facilities in the city, shall be residents of the city; provided, however, that this paragraph shall not apply to the appointment or reappointment of persons who were members on June 20, 1955.

The board shall elect a secretary, and may from time to time make such regulations with respect to its own procedure, and, with respect to the procedure of the chairman, in respect to the care, custody, management, control, sale or lease of any real estate, as it may deem advisable in the public interest. Such regulations shall not enlarge the powers given to the board or the chairman under this chapter, nor shall the validity of any sale or lease be affected by such regulation.

Historical Notes

- St. 1943 c. 434 §§1,6
- St. 1950 c. 377 §1
- St. 1951 c. 633 §1
- St. 1955 c. 450 §1A
- Ord. 1954 c. 2 §§58,59 (Rev. Ord. 1961 c. 22 §1)

## §251 AUCTIONEER

The position of auctioneer in the office of the real property board shall, upon July 19, 1945, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding the position immediately prior to said date shall be subjected by the division of civil service to a non-competitive qualifying examination, and if he passes the examination, he shall be certified for the position and shall be deemed to be permanently appointed thereto without being required to serve any probationary period.

The incumbent of the position of auctioneer shall receive for his services such sum as may be fixed by the city council, with the approval of the mayor.

It shall be the duty of the incumbent of the position of auctioneer to be the auctioneer at all public auction sales hereafter held of property, either real, personal, or mixed, of the city, whether the property be under the jurisdiction of the real property board or not, and whether the sale be required by law to be at public auction or not; provided, however, that nothing herein contained shall be construed to prevent the chairman of the real property board from selling at public auction real estate referred to in section 2, or transferred under section 2A, of chapter 434 of the acts of 1943, as amended, or any portion thereof, or any interest therein. Neither the auctioneer nor the chairman shall receive for selling at public auction any property of the city any compensation in addition to the salary or compensation established for his office.

## Historical Notes

St. 1945 c. 652 §§1,2

St. 1947 c. 661 §§1,2A

St. 1951 c. 633 §§2,3

St. 1953 c. 473

Rev. Ord. 1961 c. 22 §1

## §252 OTHER PERSONNEL

The chairman, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties, and such assistants shall receive as compensation such amounts as may be approved by the mayor.

## Historical Note

St. 1943 c. 434 §3

## §253 MANAGEMENT OF REALTY NOT HELD FOR SPECIFIC PURPOSE, INCLUDING FORECLOSED TAX TITLE PROPERTY

The chairman, subject to the regulations of the board with respect to this procedure, shall have the care, custody, management and control of all real estate transferred under Title 3, Chapter 1, of all property acquired by the city by foreclosure of tax titles or acquired under section 80 of chapter 60 of the General Laws, whether acquired before or after the effective date of chapter 434 of the acts of 1943, and also, of all real estate of the city not held for a specific purpose

irrespective of the manner or time of acquisition of such real estate including, without limiting the generality of the foregoing, all buildings or other structures and all lands or rights or interests in lands or other property subject to section 4 of chapter 297 of the acts of 1929 which, in the opinion of the real property board, has ceased, or at any time shall have ceased, to be needed for the purposes of said chapter 297; provided, that the commissioner of real property, subject to the approval of the real property board, may make contracts for such care, custody, management and control. The chairman, subject to appropriation and the approval of the real property board, may contract with a company or companies authorized to do such business in the commonwealth for the issuance of a policy or policies insuring the city against (a) legal liability for loss or damage on account of personal injury or death or property damage caused by accident on or about any real estate referred to in this section, which has or shall have been let or leased; (b) loss or damage to any such real estate, and legal liability for loss or damage on account of personal injury or death or property damage, caused by the breakage, explosion or rupture of, or any accidental injury to, steam boilers and pipes and containers connected therewith, any lighting, heating or cooking apparatus or their connections, flywheels, power wheels, and engines or other apparatus for applying or transmitting motive or electric power, tanks or other receptacles under pressure, or their connections, or machinery of any kind on any such real estate; and (c) loss of or damage to glass on any such real estate, including lettering and ornamentation thereon, and loss or damage caused by the breakage of such glass.

#### Historical Notes

St. 1943 c. 434 §§2,2A,2B

St. 1945 c. 433 §1

St. 1950 c. 318

St. 1951 c. 159

St. 1952 c. 196

St. 1953 c. 473

St. 1956 c. 76

St. 1958 c. 284

Rev. Ord. 1961 c. 22 §1

## §254

### LETTING, LEASE AND SALE OF REALTY

The chairman, acting on behalf of the city, without further authority than that contained in this section, may let or lease real estate referred to in section 253, or any portion thereof, or any interest therein. The chairman acting on behalf of the city, without further authority than that contained in this section, may also sell such real estate, or any portion thereof, or any interest therein, at public auction, first posting a notice thereof in two or more convenient and public places in the city at least fourteen days before such sale. Such notice shall contain a description of the property to be sold sufficient to identify it, and shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale. The chairman may reject any and all bids at such sale or any adjournment thereof if in his opinion no bid is made which approximates the fair value of the property, and he may adjourn the sale from time to time for such periods as he deems expedient, giving notice thereof at the time and place appointed for the sale or any adjournment thereof. Failure to post a notice as herein provided, or any insufficiency in the notice posted, shall not invalidate the title to any property sold hereunder.

No lease or sale made under this section shall be valid unless approved by a unanimous vote of



the committee on foreclosed real estate, or by a vote, approved by the mayor, of a majority of the board. A certificate of the vote of the committee on foreclosed real estate, or of the vote of a majority of the board and the approval of the mayor, as the case may be, shall be made by the secretary of the board and attached to the lease or deed.

Notwithstanding any provision of this chapter or of any general or special law to the contrary, the chairman, in behalf of the city, may sell without public auction or may grant and convey, without consideration, to the Boston Redevelopment Authority any property acquired by the city by foreclosure of tax titles or acquired under section 80 of chapter 60 of the General Laws.

The collector-treasurer shall, in the name and on behalf of the city, execute and deliver any instrument necessary to convey any interest of the city under this section. The proceeds of the letting, lease or sale of land transferred under Title 3, Chapter 1, or of any portion thereof, or of any interest therein, shall be disposed of as if there had been no transfer under said Title 3, Chapter 1, unless otherwise specified in this section.

#### Historical Notes

St. 1943 c. 434 §§2A,4,5,7  
 St. 1949 c. 317  
 St. 1951 c. 159  
 St. 1961 c. 314  
 St. 1962 c. 762 §§3,4  
 St. 1966 c. 567

#### Cross Reference

St. 1974 c. 456

§255

### APPLICABILITY OF PRECEDING SECTIONS

Sections 250 to 254, inclusive, shall apply to the city notwithstanding any provision of law, ordinance or by-law inconsistent therewith.

#### Historical Note

St. 1943 c. 434 §8

§256

### POWER IN BOARD TO ESTABLISH PUBLIC OFF-STREET PARKING FACILITIES

The city of Boston, hereinafter called the city, acting by the real property board, hereinafter called the board, shall forthwith proceed with the establishment of such public off-street parking facilities in the city as the commissioner of traffic and parking of the city may deem necessary to insure in the public interest the free circulation of traffic in and through the city. The board shall have, and, subject to the approval of the mayor, shall exercise in the name and on behalf of the city, all powers necessary and convenient to the accomplishment of the purposes of this chapter, except the power to operate any parking facility established or acquired under this chapter. Such powers shall include: -

(a) The power to acquire by eminent domain under chapter 79 or chapter 80A of the General Laws or by purchase, gift, devise or otherwise, but not by lease, and to hold, property, real or personal, or any interest therein except a leasehold estate for the purposes of this chapter; provided, that the board shall have no power to acquire except by gift or devise, any property privately held and operated as a parking garage, which term shall not be construed to include a parking

space provided, further, that the board shall have no power to acquire by eminent domain or by purchase any real estate other than that which the board, with the approval of the commissioner of traffic and parking and the Boston Redevelopment Authority shall have determined should be devoted to the purposes of this chapter; and provided, further, that no purchase and no award, settlement or agreement for judgement in eminent domain proceedings hereunder shall be made by the city or in its behalf, unless the terms of the proposed purchase, award, settlement or agreement, together with all pertinent facts, shall first have been submitted to the Boston Finance Commission not less than ten days before such purchase, award, settlement or agreement;

(b) The power to acquire air rights for the purposes of this chapter by lease from the Massachusetts Turnpike Authority under section 15A of chapter 354 of the acts of 1952, as inserted by section 1 of chapter 505 of the acts of 1963;

(c) The power to use for the purposes of this chapter any property now or hereafter within the custody, management and control of the board by virtue of chapter 434 of the acts of 1943 which the board, with the approval of the Boston Redevelopment Authority and the traffic and parking commission of the city, shall have determined should be devoted to the purposes of this chapter;

(d) The power to clear, grade, surface and resurface any property acquired or used for the purposes of this chapter, and to construct and maintain thereon such structures and facilities for parking as the board with the approval of the commissioner of traffic and parking shall determine;

(e) The power to lease to any person any property acquired or used for the purposes of this chapter, to be used by the lessee for the parking of motor vehicles but for no other purpose, for such period, not exceeding forty years, and upon such terms as the board shall determine; provided, however, that every lease shall contain schedules of maximum rates to be charged by the lessee for the use by the public of the property thereby demised, and also regulations with respect to the use, operation and occupancy of such property; provided, also, that no lease shall be modified or cancelled, but nothing herein shall be construed to prevent the termination of any lease by the lessor, in accordance with its provisions, for the breach of any covenant or condition thereof; and provided, further, that any lease for a period exceeding five years shall be upon the express condition, and shall contain a covenant on the part of the lessee, that within such period, not exceeding five years, after its execution as the board shall fix the lessee shall construct, or cause to be constructed, upon the demised premises at the expense of the lessee and without cost to the city such structures and facilities for parking as the board shall determine, which shall at least double the number of motor vehicles the demised premises can accommodate, shall be constructed according to plans and specifications prepared under the supervision of the board and approved by the commissioner of traffic and parking, shall forthwith upon construction become property of the city, and shall, while the lease is in force, be kept in good order and condition by the lessee; and any such lease for a period exceeding five years shall provide for the immediate reimbursement of the city for the cost of the plans and specifications and shall further provide for the payment of such annual rental as the board shall determine to be reasonable but in no event less than four per cent of the total cost to the city, as ascertained by the board, of the demised premises including any improvement thereof made prior to the execution of the lease.

(f) The power to construct, maintain but not to operate, on any property acquired for the purposes of this chapter, after January 1, 1963, or determined after said date to be devoted to such purposes under clause (c), and to lease to any person, including the Massachusetts Bay Transportation Authority, for operation for such period, not exceeding five years, and upon such terms as the board shall determine, such terminal for buses of said authority or of common carriers of passengers for hire, and such facilities accessory and incidental thereto, as the board with the approval of the commissioner of traffic and parking shall determine; also the power to lease to any person for such period, not exceeding ninety-nine years, upon such terms as the board shall



determine, the whole or any part of the air-space above any public off-street parking facility constructed under this chapter in the government center urban renewal project area in the city for such uses as the board, giving due consideration to the promotion of the night-time use of the parking facility, shall determine, and the power to include in any such lease suitable provisions for the construction and maintenance of a structure in such airspace, and for the support of, and suitable access to and from, such structure. The provisions of section 3 of chapter 474 of the acts of 1946 to the contrary notwithstanding, structures and other things erected or affixed pursuant to the lease of any such airspace shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided, that no part of the value of either the land or the off-street parking facility, except the fact of the proximity of such facility, shall be included in any such assessment or considered in determining valuation for the purpose of any such assessment; and, provided, further, that for the purpose of enforcing the payment of any such tax the leasehold interest of the lessee or his assigns may be sold or taken by the collector-treasurer of the city in the manner provided by law for the sale or taking of real estate for the non-payment of taxes, and the collector-treasurer shall have for the collection of any such tax all other remedies provided by law for the collection of taxes on real estate.

(g) The power to sell at public auction, to the highest bidder, any property, real or personal, acquired or used for the purposes of this chapter, whether or not improved, which the board, with the approval of the Boston Redevelopment Authority and the traffic commission, shall have determined to be no longer required for such purposes. Any amounts received from sales under this paragraph shall be credited to the Parking Facilities Fund established in section 261.

Any provision of this chapter to the contrary notwithstanding, any lease entered into under this chapter for a period exceeding five years may be modified by written agreement so as to require the payment of an increased rental during the remainder of its term and to permit the structure constructed under it to be enlarged by the lessee without cost to the city by the construction of one or more additional stories in accordance with detailed plans and specifications made a part of such agreement; provided, that the ratio of the increase in rent is not less than the ratio of the increase in floor area. In such event, the term of the lease shall be extended so as to continue in effect from the date of such modification for the period provided in the original lease.

#### Historical Notes

- St. 1946 c. 474 §1
- St. 1948 c. 612 §2
- St. 1951 c. 734 §1
- St. 1958 c. 273
- St. 1958 c. 606 §15
- St. 1960 c. 413
- St. 1960 c. 652 §12
- St. 1962 c. 338 §§101,10,11,12,13
- St. 1963 c. 263 §1
- St. 1963 c. 692 §1
- St. 1964 c. 567 §1A
- St. 1965 c. 203 §§1,2
- St. 1965 c. 218
- St. 1965 c. 342
- St. 1965 c. 848
- St. 1966 c. 642 §12
- St. 1973 c. 1115



## Cross Reference

Statutes, Title 6 §253 (Special loan authorizations, Historical Note)

St. 1974 c. 456 (Additional powers in regard to lease with Code Realty, Inc. - Jordan Marsh - and the premises at Fort Hill Square, Kilby Street, and Kingston-Bedford Streets)

## §257

## FURTHER POWERS

Notwithstanding any contrary provision of general or special law, the city, the board, or any person claiming by, through or under either of them, may, without obtaining a license or permit of any kind, except licenses and permits prescribed by the Boston building code and licenses and permits required under section 8 of chapter 85 of the General Laws, do all things necessary or convenient to the accomplishment of the purposes of this chapter, including, without limiting the generality of the foregoing, cutting curbs, conducting or maintaining an open-air parking space, erecting or maintaining a garage, and keeping gasoline or other inflammable fluid in tanks in motor vehicles in a building or other structure; provided, however, that the board shall not construct, or cause or permit to be constructed, any structure wherein motor vehicles are to be parked unless the board shall, after a public hearing and consideration of the arguments of all proponents and opponents at such hearing, the requirements of public convenience, and the general character of the neighborhood in which the structure is to be constructed, have determined that the construction of such structure is for the public welfare. Notice of such hearing shall be given by publication once in each week for three successive weeks in a newspaper regularly published in the city and by prepaid registered mail to every owner of record of each parcel of land abutting on the parcel of land on which the structure is to be constructed. Nothing contained in this section shall be construed to empower the city or board to operate any parking facility established or acquired under this chapter.

## Historical Note

St. 1951 c. 734 §2

## §258

## MAKING OF CONTRACTS

No contract for construction or work of any kind in connection with any parking facility, the estimated cost of which amounts to one thousand dollars or more, shall be awarded by the board under this chapter unless proposals for the same shall have been invited by advertisements in at least one daily newspaper published in the city, once a week for at least two consecutive weeks, the last publication to be at least seven days before the time specified for the opening of the proposals, and then only to the lowest responsible bidder as determined by the board. Such advertisements shall state the time and place where plans and specifications of proposed construction or work may be had and the time and place for opening the proposals in answer to the advertisements, and shall reserve to the board the right to reject all proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this section. All contracts made by the board hereunder where the amount involved is one thousand dollars or more shall be in writing. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board, or by a deposit of money; certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city auditor until the contract has been carried out in all respects; and no such contract shall be altered except by written agreement of the contractor, the sureties on his bond and the board. Any amounts received as a result of the failure of faithful

performance required in any contract hereunder shall be credited to the Parking Facilities Fund established in section 261.

#### Historical Notes

St. 1946 c. 474 §2

St. 1948 c. 612 §3

St. 1950 c. 316 §1

## §259

### LEASING OF LAND

Before leasing any land under this chapter, the board shall invite proposals therefor, by advertisements in at least one daily newspaper published in the city, once a week for at least two consecutive weeks, the last publication to be at least seven days before the time specified for the opening of the proposals. Such advertisements shall state the time and place where the form of lease and, if the term of the lease is to exceed five years, the plans and specifications, may be had and the time and place for opening the proposals in answer to the advertisements, and shall reserve to the board the right to reject all proposals. All such proposals shall be opened in public. No lease shall be made except to the highest responsible bidder as determined by the board. Every lease for a period not exceeding five years shall be accompanied by a bond with surety satisfactory to the board, or by a deposit of money, certified check or other security for the faithful performance thereof, and such bond or other security shall be deposited with the collector-treasurer until the lease has been carried out in all respects. Every lease for a period exceeding five years shall be accompanied by a bond with surety satisfactory to the board, or by a deposit of money, certified check or other security for the faithful performance of all covenants on the part of the lessee to construct, or cause to be constructed, any structures or facilities for parking; and such bond or other security shall be deposited with the collector-treasurer until all such covenants have been carried out in all respects. The preceding provisions of this section shall not apply to leases under clause (f) of section 256. All amounts received in reimbursement for the cost of plans and specifications and all amounts received as a result of the failure of faithful performance of covenants to construct, or cause to be constructed, structures or facilities for parking shall be credited to the Parking Facilities Fund established under section 260; in addition, on July first of each year the Parking Facilities Fund shall also be credited, from the amounts received from leases entered into under this section, with an amount equivalent to twelve times twenty per cent of the total monthly rental of all leases entered into under this section as of said date; and all other amounts received from leases under this chapter or as a result of other failure of faithful performance required in any such lease shall be credited as general funds of the city and may be appropriated for any municipal purposes. No person shall be assessed any tax upon any real estate or buildings of which he is the lessee under this chapter, any provision of general or special law to the contrary notwithstanding.

Every proposal under this section shall be accompanied by cash or a certified check on, or a certificate of deposit issued by, a responsible bank or trust company, payable to the city in such amount as the board may fix, which shall be stated in the invitation for proposals. The board may, at its option, prescribe and receive a bid bond in a form satisfactory to it in lieu of cash, certified check or certificate of deposit. All such bid deposits, except those of the three highest responsible and eligible bidders, shall be returned within five days, Saturdays, Sundays and holidays excluded, after the opening of proposals therefor. All bid deposits shall be returned upon the execution and delivery of the lease, or, if no lease is made, then at the expiration of ninety days after the opening of the bids therefor. Should any bidder to whom an award is made fail to

enter into a lease within such time as the board may fix, the amount so received from such bidder through his cash, certified check, bid bond or certificate of deposit shall become and be the property of the city as liquidated damages; provided, that, in case of death, disability or other unforeseen circumstances affecting the bidder, such cash, certified check, bid bond or certificate of deposit may be returned to him. Any amount so received shall be credited to the Parking Facilities Fund established under section 260.

Historical Notes

St. 1946 c. 474 §3  
St. 1948 c. 612 §§4,5  
St. 1950 c. 316 §2  
St. 1963 c. 263 §2  
St. 1965 c. 203 §§3,4,5  
St. 1973 c. 962

§260 PARKING FACILITIES FUND

There shall be set up on the books of the city a special account known as the Parking Facilities Fund. Into this account shall be paid the amounts specified in chapter 474 of the acts of 1946, as amended. The board may expend from the fund without appropriation for the purposes of said chapter 474; provided, that if the amount in the fund at any time exceeds the total amount of indebtedness incurred under chapter 474 of the acts of 1946, and then outstanding, together with interest thereon, so much of the excess as the board, with the approval of the Boston Redevelopment Authority and the commissioner of traffic and parking, shall determine is no longer required for the purposes of said chapter 474, may be used for general municipal purposes.

Historical Notes

St. 1946 c. 474 §4  
St. 1948 c. 612 §6  
St. 1960 c. 652 §12  
St. 1962 c. 338 §1

§261 PARKING FACILITIES AS GENERAL IMPROVEMENTS

The public improvements authorized in chapter 474 of the acts of 1946, as amended, are herein declared to be general in their benefits and no betterments shall be assessed therefor.

Historical Note

St. 1946 c. 474 §6

§262 PARKING FACILITIES HELD IN GOVERNMENTAL CAPACITY

Property acquired or used for the purposes of chapter 474 of the acts of 1946, whether or not leased, shall be deemed to be held by the city in its governmental capacity; and the city shall not be liable for any injury, loss or damage suffered by any person or property on or about any property so acquired or used.

Historical Note

St. 1946 c. 474 §7



## §263 IMMEDIATE POSSESSION OF TAX DELINQUENT REAL ESTATE

Whenever the collector-treasurer of the city shall have taken land therein pursuant to section 53 of chapter 60 of the General Laws, he may, in the name and behalf of the city, take immediate possession of such land and, until the tax title so acquired is redeemed, collect the rent and other income from such land, which rent and income, after the payment therefrom of all necessary expenses in the care, repair and management of such land, shall be applied on account of the taxes, assessments, rates, charges, interest and costs due the city on the land, with any balance remaining being paid to the person otherwise entitled thereto. Upon petition of any person having a right to redeem such tax title, the superior court sitting in equity within and for the county of Suffolk, if it adjudges justice and the circumstances so warrant, may, upon such terms as it shall deem equitable, enjoin a taking of possession under this section or command the surrender of a possession taken.

Neither the city nor any of its officers, agents or employees shall be liable or accountable to the owner or to any other person having an interest in such land for failure to collect rent or other income therefrom; and neither the city nor any of its officers, agents or employees shall be liable for injury or damage caused by the possession of land under this section to such land or to the person or property of any person, any provision of general or special law to the contrary notwithstanding.

## Historical Note

St. 1962 c. 247

## §264 SEVERABILITY OF PROVISIONS

If any provision of this chapter, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of said sections, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

## Historical Note

St. 1946 c. 474 §8

Chapter 9 - Library Department; Trustees of the Public Library of the City of Boston  
(Prepared by Kevin F. Moloney, Assistant Corporation Counsel)

Sec.

350	Power of City to Establish and Maintain a Library
351	Library Department; Trustees of the Public Library, Appointment, Compensation, Etc.
352	Organization of Board; Powers and Duties
353	Librarian and Other Officers
354	Duties of Trustees; "Harris Collection"; Charlestown Branch
355	Reports to Mayor and City Council
356	Incorporation of the Trustees
357	Authority of Corporation to Take and Hold Property; Limitation

§350 POWER OF CITY TO ESTABLISH AND MAINTAIN A LIBRARY

The city of Boston is hereby authorized to found and maintain a Public Library, and to make such expenditures, establish such regulations, fix such penalties for the breach thereof, and do all such acts and things as may be deemed necessary or proper to that end.

Historical Notes

St. 1848 c. 52 §1

St. 1853 c. 38 §1

St. 1857 c. 11

This section omits so much of St. 1853 c. 38 §1 as relates to the powers of and the exercise thereof by, the city council, as stated therein, due to superceding provisions as appearing in St. 1878 c. 114 §3 et seq. as affected by St. 1885, c. 266, §12 and St. 1909 c. 486 §8 (prohibiting city council from taking part in the executive or administrative business of the city).

Cross References

Statutes, Title 2 §17

G.L. c. 78 §1 et seq

§351 LIBRARY DEPARTMENT; TRUSTEES OF THE PUBLIC LIBRARY, APPOINTMENT, COMPENSATION, ETC.

[The Library Department, shall be under the charge of a board, known as the Trustees of the Public Library, consisting of five trustees each appointed by the mayor for a term of five years beginning with the first day in May in the year of appointment and until a successor is appointed.] Whenever any vacancy shall occur in said board of trustees by death, resignation or otherwise, said vacancy shall be filled by the appointment, in the manner aforesaid, of another trustee,

who shall hold office for the residue of the unexpired term. No member of the board of trustees shall receive any pecuniary compensation for his services.

#### Historical Notes

St. 1878 c. 114 §3

St. 1885 c. 266 §12

St. 1890 c. 418 §1

St. 1909 c. 486 §§9,14

Rev. Ord. 1961 c. 2 §1

Rev. Ord. 1961 c. 18 §1

This section is, in part, an interpretive section conforming to the provisions of St. 1878 c. 114 §3, as affected by St. 1885 c. 266 §12 and St. 1909 c. 486 §8 (prohibiting city councillors from taking part in the executive or administrative business of the city and thereby reducing the number of trustees from seven to five), St. 1890 c. 418 §1 (fixing May first as the date for terms of officeholders to commence), St. 1909 c. 486 §9 (abolishing confirmation by the city council of appointments by the mayor, and also eliminating residency as a factor in appointment (but see Rev. Ord. 1961 c. 3 §1A)), and St. 1909 c. 486 §14 (empowering the mayor alone to remove a member of a board).

#### Cross References

Statutes, Title 2 §17

Rev. Ord. 1961 c. 3 §1A

Rev. Ord. 1961 c. 18 §1

§352

### ORGANIZATION OF BOARD; POWERS AND DUTIES

The members of the board shall meet for organization on the first Monday of each May, and choose one of their number as president. They shall have power to make such rules and regulations relating to the public library and its branches, and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient: provided, that the same shall not be inconsistent with the provisions of [ law ].

The trustees shall have the general care and control of the central public library in the city and of all branches thereof which have been or which may hereafter be established and the fixtures connected therewith and also of the expenditures of money appropriated therefor.

#### Historical Notes

St. 1878 c. 114 §§4,5

St. 1887 c. 60 §1

For additional legislation with respect to (1) certain land acquisition for the central library building in Copley Square and the construction thereof see St. 1880 c. 222; St. 1882 c. 143; St. 1887 c. 60 §§2,3; St. 1889 c. 68; St. 1889 c.379; St. 1891 c.324; and (2) the transfer of certain land in the Roxbury District by the board of park commissioners to the trustees of the public library of the city, with such land to be devoted to library purposes, see St. 1930 c. 357.

#### Cross References

Statutes, Title 8 Chapter 1

Ordinances, Title 2 Chapter 9



## Interpretive Notes

This section omits so much of St. 1878 c. 114 §4 as relates to the powers of the city council as stated therein in the light of St. 1885 c. 266, §§6,12 and St. 1909 c. 486 §8. See also St. 1948 c. 452 §17G, as inserted by St. 1951 c. 376 §1. St. 1878 c. 114 §7 relating to powers of the city council is also omitted, as superfluous in view of the general power to pass ordinances in St. 1854 c. 448 §35.

## §353

## LIBRARIAN AND OTHER OFFICERS

The board of trustees may appoint a superintendent or librarian with such assistants and subordinate officers as they may think necessary or expedient, and may remove the same, and fix their compensation: provided, that the amount thus paid shall not exceed the sum appropriated by the city council for that item of expense, and the income of any moneys which may lawfully be appropriated for the same purpose from funds or property held by the trustees under the provisions of [ St. 1878 c. 114 §§1,2, as amended ].

## Historical Notes

St. 1878 c. 114 §§1,2, and 6  
St. 1919 c. 116  
St. 1931 c. 50  
St. 1943 c. 218  
St. 1953 c. 167

## Cross Reference

Statute, Title 6 Chapter 3

## Interpretive Note

This section is a modification of St. 1878 c. 114 §6 with respect only to the reference to the statute granting power to the trustees of the public library of the city of Boston as a corporation to hold funds and property. See sections 356 and 357 below.

## §354

## DUTIES OF TRUSTEES; "HARRIS COLLECTION"; CHARLESTOWN BRANCH

The trustees of the Boston public library are hereby empowered to remove from the Charlestown branch of the Boston public library to the central library the books, papers, pamphlets and other matter known as the "Harris Collection." Said trustees may also spend the interest of the Harris fund, under the conditions of the bequest, for books for this collection after its removal to the central library: provided, that said trustees shall spend in five yearly instalments a sum equal to the present accumulated interest of the Harris fund, for new books to replace those of the Harris collection removed in accordance with this section; and provided, also, that a sum equal to the yearly interest of the Harris bequest shall be spent each year by said trustees for new books for the Charlestown branch. Should said trustees fail to comply with these conditions the Harris collection shall be returned to the Charlestown branch. Any agreement to the contrary of the foregoing appearing in the articles of annexation of the city of Charlestown

to the city of Boston is hereby annulled. This chapter shall in no way affect the will of the late Charlotte Harris of Charlestown.

Historical Notes

St. 1873 c. 286 §12

St. 1900 c. 263

§355

REPORTS TO MAYOR AND CITY COUNCIL

The board shall semi-annually and whenever required by the mayor or city council, make and present in writing a particular report and a statement of all their acts and proceedings.

Historical Note

St. 1887 c. 60

Cross Reference

Rev. Ord. 1961 c. 18 §2

§356

INCORPORATION OF THE TRUSTEES

The trustees of the public library of the city of Boston for the time being are hereby made a corporation by the name of the Trustees of the Public Library of the City of Boston; and the trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Historical Note

St. 1878 c. 114 §1

Cross Reference

G.L. c. 78 §1

§357

AUTHORITY OF CORPORATION TO TAKE AND HOLD PROPERTY; LIMITATION

Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding fifty million dollars, which may be given, granted, bequeathed or devised to it, and accepted by the trustees for the benefit of the public library of the city of Boston or any branch library, or any purpose connected therewith. Money received by it shall be invested by the collector-treasurer of the city under the direction of the corporation; and all securities belonging to the corporation shall be placed in the custody of the collector-treasurer: provided, always, that both the principal and income thereof shall be invested and appropriated according to the terms of the donation, devise or bequest. But nothing herein contained shall restrict the corporation from bringing a petition in equity in the probate court or the supreme judicial court to be permitted to invest or appropriate the principal or income of funds or property

held by the corporation in such manner as the court may by final decree authorize; and the corporation is hereby authorized to invest and appropriate in accordance with such decree.

Historical Notes

St. 1878 c. 114 §2

St. 1911 c. 116

St. 1931 c. 50

St. 1943 c. 218

St. 1953 c. 167

Cross Reference

Statutes, Title 6 Chapter 11

Chapter 11 -- Civil Defense Department

No Special Statutes apply. See Ordinances and Regulations.





## TITLE 12

## PUBLIC HEALTH AND WELFARE

Chap.		Sec.
1	Department of Health and Hospitals and Trustees of Health and Hospitals .	1
3	Veterans' Services Department . . . . .	50
5	Council on Aging . . . . .	100
7	Commission on the Physically Handicapped . . . . .	150
9	Commission on Mental Retardation . . . . .	200
11	Youth Activities Commission and Corporation . . . . .	250
13	Drug Abuse Coordinating Committee . . . . .	300
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Chapter 1 -- Department of Health and Hospitals and Trustees of Health and Hospitals

(Prepared by Andrew H. Nighswander, Associate Deputy Commissioner,  
Department of Health and Hospitals)

## Sec.

1	Board of Health and Hospitals. Appointment, Term, Compensation
2	Powers and Duties of Commissioner
3	Powers and Duties of Board
4	Trustees of Health and Hospitals
5	Care During Temporary Sickness
6	Chronic Disease Hospital
7	Care of "Observation Cases"

## §1

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BOARD OF HEALTH AND HOSPITALS. APPOINTMENT, TERM, COMPENSATION

There shall be in the city of Boston, hereinafter called the city, a department, known as the Department of Health and Hospitals, hereinafter called the department, which shall be under the charge of a board, known as the Board of Health and Hospitals, hereinafter called the board, consisting of nine members appointed by the mayor. The members initially appointed shall serve according to the terms of their respective appointments, in the case of three members, for a term expiring five years, in the case of three other members, for a term expiring four years, and in

the case of three other members, for a term expiring three years, from May 1, 1965. As the term of any member so appointed or of any subsequent member, expires, his successor shall be appointed by the mayor for a term of three years. Any vacancy in the office of a member shall be filled by the mayor for the unexpired term.

The mayor shall from time to time designate one of the members of the board as chairman and another as vice-chairman. The board shall elect a secretary who need not be a member of the board. The board may from time to time establish and abolish committees of the board and delegate thereto and recall therefrom one or more of the powers of the board not delegated to the commissioner or a person in the highest rank or next highest rank below that of commissioner.

The members of the board shall serve without compensation, and shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.

#### Historical Note

St. 1965 c. 656 §1

## §2

### POWERS AND DUTIES OF COMMISSIONER

There shall be in the department an officer, known as the Commissioner of Health and Hospitals, hereinafter called the commissioner, who shall have such of the powers, and perform such of the duties, of the board as the board may from time to time have delegated to him and not recalled, including, while so delegated, the powers and duties of a department head with respect to the acquisition and disposal of property, the making of contracts, and the appointment, compensation, indemnification, promotion, transfer, suspension, lowering in rank or compensation, lay off, discharge, removal, or abolition of the office or position of subordinates, including those of the highest rank, and next highest rank, below that of commissioner; provided, however, that no estimate of appropriations required for the department developed by or under the commissioner shall be submitted to the mayor unless and until the same is approved by the board. The commissioner may from time to time delegate to, and recall from, one or more of the persons in the highest rank and the next highest rank below that of commissioner one or more of his powers; but he shall be responsible for the acts done under such delegation.

As soon as convenient after the effective date of chapter 656 of the acts of 1965, and as the term of any commissioner expires, and whenever there shall be a vacancy in the office of the commissioner from any cause, the board shall, with the approval of the mayor, determine the term, not exceeding five years, for which a commissioner shall be appointed; and a commissioner shall be appointed by the mayor for such term from three, or, if agreeable to the mayor, a lesser number of, candidates nominated by the board. The commissioner shall receive such compensation as the board shall from time to time fix with the approval of the mayor. A commissioner may be removed by the mayor but only for cause after a public hearing of which the commissioner shall be given at least seven days' written notice.

#### Historical Note

St. 1965 c. 656 §2



## §3

## POWERS AND DUTIES OF BOARD

The board:--

(a) shall have the general care and control of the hospital provided for by chapter 113 of the acts of 1858 and of all branches thereof heretofore or hereafter established and of all other public health facilities of the city;

(b) shall have the powers and perform the duties from time to time conferred or imposed on it by statute or ordinance;

(c) shall have the powers and perform the duties from time to time conferred or imposed on boards of health of cities in the commonwealth by general laws applicable to the city, except the powers and duties conferred or imposed by section 12 of chapter 83, and section 127 of chapter 111, of the General Laws, by sections 122, 123, 124 and 125 of said chapter 111 in so far as applicable to places of human habitation, and by section 5 of said chapter 111 in so far as related to (i) enforcing so much of the state sanitary code as concerns standards of fitness for places of human habitation, housing and sanitation standards for farm labor camps, and requirements for the disposal of sanitary sewage in unsewered areas and (ii) adopting supplemental public health regulations necessary to make and keep all places of human habitation and farm labor camps fit for human habitation and the disposal of sewage in unsewered areas sanitary;

(d) shall have the powers and perform the duties conferred or imposed by general or special law upon the board of health of the city, or the health commissioner of the city, including chapter 89 of the acts of 1889, as amended, except the powers and duties conferred or imposed by sections 13, 14, 19, 20, 21 and 22 of chapter 382 of the acts of 1885, as amended, by chapter 185 of the acts of 1897, by chapter 219 of the acts of 1897, as amended, by section 128 of chapter 550 of the acts of 1907, as amended, and by section 116 or any other provision of the Boston Building Code;

(e) shall have power to organize and reorganize the department from time to time into such divisions, bureaus and sections as the board may from time to time determine;

(f) shall determine, from time to time, the highest rank and the next highest rank below that of commissioner and subject to the provisions of this section the number of persons to be respectively employed therein;

(g) may from time to time delegate to, and recall from, one or more of the persons in such highest or next highest rank one or more of the powers or duties of the board not delegated to the commissioner;

(h) may set up educational requirements for all classes and grades of the following positions in the department, which, in the case of positions subject to the civil service law and rules, shall be deemed to be expressly imposed by statute within the meaning of section 6A of chapter 31 of the General Laws:--physicians, dentists, nurses, social workers, health educators, bacteriologists, biochemists and chemists, nutritionists and dietitians, physical and occupational therapists, dental hygienists and dental assistants, technicians, pharmacists, accountants, budget analysts, librarians who hold certificates issued by the board of library commissioners, and such other positions subject to the civil service law and rules as the director of civil service may from time to time approve;

(i) may make rules and regulations for the government of the department and the officers and employees in its service;

(j) shall develop annually in October and submit to the mayor an estimate in detail of the appropriations required for the department for the next fiscal year and shall have the power to expend all appropriations made for the purposes of the department;

(k) may make, subject to all applicable statutes and ordinances, such contracts as may be necessary or convenient to operate the public health facilities under the general care and control of the board, including the aforesaid hospital and all branches thereof, and execute the health laws, rules and regulations;

(l) may, notwithstanding the provisions of chapter 222 of the acts of 1949, fix the charges to be paid for any article furnished, service rendered or work performed by the department; and

(m) may adopt, amend and repeal reasonable health regulations not inconsistent with any public health regulation of the state department of public health or with any other provision of law, and prescribe for any violation of a health regulation made under this clause a fine according to the nature of the offense, but not exceeding five hundred dollars.

The civil service law and rules shall not apply to any person holding a rank determined under clause (f) to be the highest rank or next highest rank below that of commissioner. The board may waive residence requirements imposed by the civil service law or rules for any position subject to clause (h), which is classified under such law and rules. No person holding any office or position in, or receiving compensation or other remuneration from, any medical school or similar educational institution shall hold any professional or administrative office or position under the board except with the express consent of the board given only after the board determines that such dual office holding is in the public interest.

Not more than six persons shall be concurrently employed at any time in the highest rank below that of commissioner. Persons employed in such rank shall include a person experienced in medical administration of hospitals, a person experienced in administration of community health services, a person experienced in planning and evaluating medical institutions and programs, and a person experienced in business management of medical institutions.

All powers, duties and appropriations of the former hospital department and all powers, duties and appropriations of the former health department except the powers, duties and appropriations of its registry division and its weights and measures division and except also the powers and duties expressly excluded by section 3, are hereby transferred to the Board of Health and Hospitals created by section 1 of chapter 656 of the acts of 1965; and every person holding in said hospital department and in said health department, exclusive of its registry division and its weights and measures division, an office or position subject to the civil service law and rules shall be transferred without civil service examination or registration to a similar office or position in the department of health and hospitals without impairment of his civil service rights or his retirement, seniority, vacation or sick leave rights; and his services shall be deemed to have been continuous to the same extent as if such abolition had not taken place. The powers, duties and appropriations of the registry division of said health department are hereby transferred to the registry division in the office of the city clerk of the city; and every person holding in the registry division of said health department an office or position subject to the civil service law and rules shall be transferred without civil service examination or registration to the same office or position in the registry division in the office of the city clerk without impairment of his civil service rights or his retirement, seniority, vacation or sick leave rights; and his services shall be deemed to have been continuous to the same extent as if such abolition had not taken place. The powers, duties and appropriations of the weights and measures division of said health department are hereby transferred to the weights and measures division in the housing inspection department of the city; and every person holding in the weights and measures division of said health department an office or position subject to

the civil service law and rules shall be transferred without civil service examination or registration to the same office or position in the weights and measures division in the housing inspection department without impairment of his civil service rights or his retirement, seniority, vacation or sick leave rights; and his services shall be deemed to have been continuous to the same extent as if such abolition had not taken place.

#### Historical Notes

St. 1858 c. 113  
St. 1885 c. 382 §§13,14,19,20,21,22  
St. 1889 c. 89  
St. 1897 c. 185  
St. 1897 c. 219  
St. 1907 c. 550 §128  
St. 1938 c. 479 §116  
St. 1949 c. 222  
Rev. Ord. 1961 c. 15  
St. 1965 c. 656 §§3,3A,9

#### Cross Reference

subsection (c) - G.L. c. 140 §51 (Massage parlors)

## §4

### TRUSTEES OF HEALTH AND HOSPITALS

The Board of Health and Hospitals for the time being is hereby made a corporation by the name of Trustees of Health and Hospitals of the city of Boston; and said board and its successor shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding ten million dollars, which may be given, granted, bequeathed or devised to it, and accepted by the Board of Health and Hospitals for any purpose connected with the public health or with any hospital owned and operated by the city of Boston. Money received by it shall be invested by the collector-treasurer of the city under the direction of the corporation; and all securities belonging to said corporation shall be placed in the custody of said collector-treasurer; provided, always, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest, under the direction of said corporation.

Said corporation shall, in addition, have authority for any purpose aforesaid to contract with or to accept grants or gifts from, governments or governmental agencies, charitable foundations, private corporations or individuals, and to hold and expend the funds received under such contracts, grants or gifts.

#### Historical Notes

St. 1880 c. 174 §2  
St. 1932 c. 215  
St. 1955 c. 39  
St. 1965 c. 656 §§4,5,6



## §5 CARE DURING TEMPORARY SICKNESS

The city may maintain a hospital for the reception of persons who by misfortune or poverty may require relief during temporary sickness.

## Historical Note

St. 1858 c. 113 §1

## §6 CHRONIC DISEASE HOSPITAL

The city may maintain a hospital for the reception, care and treatment of persons who may be afflicted with chronic diseases.

## Historical Note

St. 1901 c. 518

## §7 CARE OF "OBSERVATION CASES"

The city shall not establish any asylum or other institution for the care of the insane or maintain any such institution or be liable for the board, care, treatment or act of any insane person; but the city may establish and maintain within its limits a suitable building or certain wards for the reception, medical observation and care of those persons suffering from sudden delirium, mental disturbance, transitory excitement or other kindred disorders, who are classed as "observation cases".

## Historical Notes

St. 1908 c. 613 §1

St. 1908 c. 627

Chapter 3 -- Veterans' Services Department  
(Prepared by Darrell Outlaw, Assistant Corporation Counsel  
and Alison Chalmers, Legal Assistant)

Sec.

- 50 Veterans Benefits and Services Commissioner
- 51 Veterans Services Physician
- 52 Supervisor of Veterans Graves and Registration. Appointment, Term.

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Veterans Benefits and Services Department is covered for the most part by Rev. Ord. 1961 c. 26, which established the positions, and by G.L. c. 115.

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§50 VETERANS BENEFITS AND SERVICES COMMISSIONER

The veterans benefits and services commissioner shall receive such annual salary as shall from time to time be fixed by the city council with the approval of the mayor.

Historical Notes

- St. 1897 c. 441 §1
- St. 1953 c. 473
- Ord. 1954 c. 2 §§66,57 (Rev. Ord. 1961 c. 26)

§51 VETERANS SERVICES PHYSICIAN

The office of veterans services physician in the veterans services department shall be subject to the civil service laws and rules; and the tenure of any incumbent thereof shall be unlimited, subject, however, to the laws and rules.

Historical Note

- St. 1950 c. 278 §1

§52 SUPERVISOR OF VETERANS GRAVES AND REGISTRATION. APPOINTMENT, TERM

The office of supervisor of veterans graves and registration shall be subject to the civil service laws and rules and regulations; and the term of office of any incumbent thereof shall be unlimited, subject, however, to said laws and rules.

Historical Notes

- St. 1948 c. 578 §1
- St. 1949 c. 245 §1
- Ord. 1954 c. 2 §§66,67 (Rev. Ord. 1961 c. 26)

Chapter 5 -- Council on Aging

No Statutes apply. See Ordinances and Regulations.

Chapter 7 -- Commission on the Physically Handicapped

No Statutes apply. See Ordinances and Regulations.

Chapter 9 -- Commission on Mental Retardation

No Statutes apply. See Ordinances and Regulations.



Chapter 11 -- Youth Activities Commission  
(Prepared by Peter Koff, Assistant Corporation Counsel)

Sec.

- 250 Youth Activities Commission. Members, Appointments, Term, Compensation, Control, Etc.  
251 Programs and Activities  
252 Personnel, Delegation of Powers and Duties

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§250 YOUTH ACTIVITIES COMMISSION. MEMBERS, APPOINTMENT, TERM, COMPENSATION, CONTROL, ETC.

There shall be in the parks and recreation department or in such other department of the city as the city council, with the approval of the mayor, shall from time to time determine, a board, to be known as the Youth Activities Commission, hereinafter called the commission, consisting of seven commissioners appointed as follows: - five by the mayor, one by the superintendent of schools and one by the chairman of the youth service board of the commonwealth. The commissioners, shall be appointed by the mayor for a term of five years. Any vacancy in the office of a commissioner appointed by the mayor shall be filled by the mayor for the unexpired term. The commissioner appointed by the superintendent of schools and the chairman of the youth service board shall serve at the discretion of the superintendent and the chairman, respectively.

The commission shall elect one of its members as chairman and another as vice chairman. The commission shall also elect a secretary, who need not be a member of the commission. The members of the commission shall serve without compensation, but shall be reimbursed for expenses necessarily incurred by them in the performance of their duties.

The commission shall not be subject to the supervision or control of the officer or board in charge of such department of the city as the commission shall from time to time be in; but unless otherwise ordered by the mayor, the commission shall not make any annual or other report except through such officer or the chairman of such board.

Historical Note

St. 1965 c. 391 §1

Cross Reference

G.L. c. 40 §8E

§251 PROGRAMS AND ACTIVITIES

The commission shall conduct research, and establish and carry on, and encourage others to establish and carry on, programs and activities designed to reduce or prevent delinquency and other problems among the youth of the city or to improve the health or welfare of juveniles in the city in need of guidance, recreation counselling, assistance, referral, testing, care, education, training, placement,

or cultural or social development. The commission shall cooperate with federal, state and municipal agencies concerned with any of the foregoing, and shall coordinate its functions with private agencies concerned therewith.

Historical Note

St. 1965 c. 391 §2

§252

PERSONNEL, DELEGATION OF POWERS AND DUTIES

The commission may employ an executive director and such other personnel as it deems expedient, and determine their qualifications and duties. Neither chapter 31 of the General Laws nor any rule made thereunder shall apply to such executive director or other personnel. The commission may delegate to the executive director or to any of its other personnel or to one or more of its members such power and duties as it deems expedient to carry out any action determined upon by it.

Historical Note

St. 1965 c. 391 §3

Chapter 13 -- Drug Abuse Coordinating Committee

No Statutes apply. See Ordinances and Regulations.



Chapter 15 -- Penal Institutions Department

(Prepared by Thomas F. McKenna, Jr., Assistant Corporation Counsel)

Sec.

- 350 Establishment of Penal Institutions Department
  - 351 Penal Institutions Commissioner
  - 352 Powers and Duties of Penal Institutions Commissioner
  - 353 Deputy Penal Institutions Commissioner. Powers and Duties
  - 354 Deer Island House of Correction
  - 355 Condition of Employment
  - 356 Powers of Certain Officers
  - 357 Appropriation for Legal Counsel
- 

## §350 ESTABLISHMENT OF PENAL INSTITUTIONS DEPARTMENT

The institutions department, is a department of the city, and shall be under the charge of the officers so designated, and all acts relating to departments of the city or the officers and employees thereof, not inconsistent herewith, shall be applicable to the department and to the officers and employees thereof.

The institutions department shall be styled the penal institutions department.

## Historical Notes

- St. 1885 c. 266
- St. 1895 c. 449 §2
- St. 1896 c. 536 §§9,10
- St. 1897 c. 395 §5
- Sp. St. 1919 c. 222
- St. 1928 c. 389

## §351 PENAL INSTITUTIONS COMMISSIONER

The penal institutions commissioner shall be a citizen and a voter of Boston and shall be appointed by the mayor, without confirmation by the city council. The commissioner shall be appointed for three years, and shall receive such salary as the city council may by ordinance prescribe.

The provisions of chapter 222 of the Special Acts of 1919 shall not be construed to affect the powers granted to the mayor and city council of the city of Boston by section 5 of chapter 486 of the acts of 1909 except as provided by section 3 of said chapter 222 and, notwithstanding the provisions of section 1 of said chapter 222, the powers and duties conferred and imposed

by law upon the penal institutions commissioner acting as a county official or in any other capacity shall be exercised and performed by the head of the penal institutions department or of any other department which may from time to time include the penal institutions department as existing at the time of the passage of said chapter 222.

#### Historical Notes

- St. 1889 c. 245
- St. 1895 c. 449 §2
- St. 1897 c. 395 §5
- St. 1909 c. 486 §5
- Sp. St. 1919 c. 222
- St. 1928 c. 389 §1

### §352

#### POWERS AND DUTIES OF PENAL INSTITUTIONS COMMISSIONER

The penal institutions commissioner of Boston shall have the charge and control of the house of correction for the county of Suffolk at Deer Island, with power to make, from time to time, such rules, not inconsistent with rules made by the commissioner of correction under section 1 of chapter 124 of the General Laws or otherwise repugnant to law, as he shall find needful and proper for the governing and punishment of convicts in said house of correction. Said penal institutions commissioner shall also have the powers, and perform the duties, which the statutes of this commonwealth shall from time to time confer or impose upon him acting as a county official or in any other capacity.

#### Historical Notes

- St. 1895 c. 449 §§14,15,16
- St. 1896 c. 536 §9
- St. 1897 c. 395 §5
- St. 1909 c. 486 §5
- Sp. St. 1919 c. 222 §§1,3
- St. 1928 c. 389 §§1,2

#### Cross References

- Statutes, Title 18 §61 (Powers and duties common to sheriff and penal institutions commissioner)
- G.L. c. 124
- G.L. c. 126 §11 (Enforce rules, inspect accounts, etc.)
- G.L. c. 127 §1B (State commissioner of corrections, notice of noncompliance from)
- G.L. c. 127 §86G (Work release program)
- G.L. c. 127 §129 (Reduction in sentence for good conduct)
- G.L. c. 127 §129A (Reduction in sentence for donating blood)
- G.L. c. 127 §140 (Permits to be at liberty)
- G.L. c. 127 §141 (Parole)
- G.L. c. 127 §149 (Arrest for violation of permit)

### §353

#### DEPUTY PENAL INSTITUTIONS COMMISSIONER. POWERS AND DUTIES

The mayor may appoint a deputy penal institutions commissioner who shall be under the direction of the penal institutions commissioner of the city.

The office of deputy penal institutions commissioner of the city of Boston is subject to the civil service laws and rules; and the tenure of any incumbent thereof shall be unlimited, subject, however, to said laws and rules.

Historical Notes

St. 1897 c. 395 §5

St. 1928 c. 389 §2

St. 1957 c. 153

§354 DEER ISLAND HOUSE OF CORRECTION

The house of industry in the city of Boston is hereby established as a house of correction for the county of Suffolk, and shall be hereafter known as the House of Correction at Deer Island, and the buildings constituting the same may be enlarged or others erected therefor as said commissioner, with the approval of the mayor, may deem proper.

Historical Notes

St. 1896 c. 536 §§9,10

St. 1899 c. 347 §§1,2

St. 1900 c. 473 §§1,2

§355 CONDITION OF EMPLOYMENT

The office of deputy penal institutions commissioner shall, be subject to the civil service laws and rules; and the tenure of any incumbent thereof shall be unlimited, subject, however, to said laws and rules.

Each office of commitment and transfer officer subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said law and rules.

Historical Notes

St. 1928 c. 389 §2

St. 1945 c. 118

St. 1957 c. 153

§356 POWERS OF CERTAIN OFFICERS

Each office of commitment and transfer officer in the penal institutions department of the city shall have the powers of a special state police officer and shall have authority to serve warrants and to do all other acts which police officers have authority to do.

Historical Notes

St. 1913 c. 372

St. 1945 c. 118 §1



## §357 APPROPRIATION FOR LEGAL COUNSEL

The city may appropriate money for the purpose of enabling the penal institutions commissioner of Boston to provide legal counsel to any indigent prisoner in his custody.

## Historical Note

St. 1970 c. 640



## TITLE 13

## HOUSING COURT

Chap.

Sec.

1

Housing Court

Intro.

Chapter 1 - Housing Court

(Prepared by Norman C. Ross, Assistant Corporation Counsel)

The Housing Court legislation, St. 1971 c. 843, even though a special statute relating to Boston, is not here published because it may be found in any publication of the General Laws as chapter 185A. Its apparent dual status, initially confusing, is explicable.

Although exercising his discretion under G.L. c. 3 §52 to draft the Housing Court legislation in the form of an addition to the General Laws, the Counsel for the House of Representatives of the General Court felt that the legislation, to be valid, would have to be enacted after a Home Rule Petition, as a special statute applicable to Boston pursuant to the Home Rule Powers of the Constitution, Mass. Const. Amend. Art. 89 §8 (M.G.L.A. Const. Amend. Art. 2 §8). [Please see Mayor White's letter of May 24, 1971 transmitting the proposed Home Rule Petition to the City Council, 1971 City Council Minutes 243; City Record, Oct. 25, 1971.]

See Regulations for the Court's Rules. No Ordinances apply. The employees of the Housing Court are subject to the Suffolk County Compensation and Classification Plans [Regulations, Title 18] G.L. c. 35 §49, and are exempt from the Civil Service Laws, G.L. c. 31 §5.





## TITLE 14

## LICENSES AND PROHIBITIONS

Chap.		Sec.
1	Licensing Board . . . . .	1
3	Committee on Licenses . . . . .	50
5	Director of Markets . . . . .	100
7	Regulations Under Police Power . . . . .	150
9	Consumers Council . . . . .	200
11	Prohibitions and Penalties . . . . .	250
13	Regulations Affecting Certain Trades . . . . .	300
15	Fees and Charges . . . . .	350

Chapter 1 -- Licensing Board

(Prepared by John A. Fiske, Assistant Corporation Counsel  
and Paul Edgar, Legal Assistant)

## Sec.

1	Licensing Board
2	Secretary
3	Other Personnel
4	Powers and Duties of Licensing Board
5	Applications for, and Issuance of Licenses; Disposition of Fees, Etc.
6	Records Open to Certain Inspection; Annual Report
7	Information to be Furnished Police Commissioner Concerning Licenses and Application Therefor
8	Notice of Violation of the Conditions of Liquor Licenses

# §1 LICENSING BOARD. QUALIFICATIONS, APPOINTMENT, TERM, COMPENSATION, REMOVAL, ETC.,

The governor, with the advice and consent of the council, shall appoint from the two principal political parties three citizens of Boston, who shall have resided therein for at least two years immediately preceding the date of their appointment, who shall constitute a licensing board for the city and who shall be sworn to the faithful performance of the duties of their office before

entering on the same.

They shall not be in the employ of any person or corporation engaged in the manufacture or sale of intoxicating liquors, or in any way, directly or indirectly, pecuniarily interested in the manufacture or sale of intoxicating liquors, or in any business which requires a license to be issued by them.

One member of the board shall be designated by the governor as chairman and two members shall constitute a quorum. Upon the expiration of the term of any member of the board, the governor, with the advice and consent of the council, shall appoint his successor for the term of six years. Vacancies in the board shall be filled by the governor, with the advice and consent of the council, for the unexpired term. The members of the board may be removed by the governor, with the advice and consent of the council, for such cause as he shall deem sufficient. Such cause shall be stated in the order of removal.

The annual salary of the chairman of the board shall be twenty-two thousand dollars, that of each of the other two members twenty-one thousand dollars and that of the secretary twenty-one thousand dollars. Such salaries shall be paid in monthly installments by the city.

#### Historical Notes

St. 1906 c. 291 §§1,2  
St. 1935 c. 355 §1  
St. 1945 c. 305 §1  
St. 1947 c. 229 §1  
St. 1950 c. 403 §1  
St. 1955 c. 62 §1  
St. 1970 c. 483 §1  
St. 1975 c. 413

#### Cross References

G.L. c. 138 §§4-10  
St. 1965 c. 804  
St. 1965 c. 829

## §2

### SECRETARY

The board shall appoint a secretary, who shall be exempt from the civil service law, who shall be sworn to the faithful performance of the duties of his office, and who shall keep a record of all proceedings, issue all notices and attest such papers and orders as the board shall direct. His term of office shall be six years, but he may be removed by the board for such cause as it shall deem sufficient. Such cause shall be stated in its order of removal.

The annual salary of the secretary shall be twenty-one thousand dollars. Such salary shall be paid in



monthly installments by the city.

#### Historical Notes

St. 1906 c. 291 §§1,2

St. 1913 c. 715 §1

St. 1927 c. 76

St. 1935 c. 355 §1

St. 1945 c. 305 §1

St. 1947 c. 229 §1

St. 1950 c. 403 §1

St. 1955 c. 62 §1

St. 1970 c. 483 §1

St. 1975 c. 413

#### Cross Reference

G.L. c. 138 §6

### §3

#### OTHER PERSONNEL

The licensing board may employ such clerks, stenographers, and office employees, and such legal assistance, as it may deem necessary, and the expense thereof and all incidental expenses incurred by the board in the performance of its duties and the exercise of its powers shall be paid by the city upon requisition of the board.

#### Historical Note

St. 1906 c. 291 §3

### §4

#### POWERS AND DUTIES OF LICENSING BOARD

Except as otherwise provided herein the licensing board shall exclusively exercise in the city all the powers and perform all the duties now conferred or imposed upon the police commissioner, and upon licensing boards by sections 10 to 90, both inclusive, of chapter 100 of the Revised Laws and amendments thereof relative to intoxicating liquors, and by chapter 102 of the Revised Laws and amendments thereof, relative to innholders and common victuallers.

The licensing board shall also exercise, except as otherwise herein provided, all the powers and perform all the duties now conferred or imposed by law upon the police commissioner of the city, relative to the licensing of picnic groves, skating rinks, intelligence offices, billiard, pool or sippio tables, and all other tables of like character used for hire, gain or reward, and bowling alleys.

In addition to the notice which the licensing board is required by law to give to the public concerning applications for new licenses, under sections 12,15, or 30A of chapter 138 of the General Laws, and applications for transfer of location of the licenses, it shall also give notice of such applications to the state representatives of each representative district affected by the application, and also to such persons, groups and organizations as have formally requested in writing that such notice be given them for license applications in a designated representative district.

#### Historical Notes

St. 1821 c. 110 §13

St. 1879 c. 38 §1  
St. 1906 c. 291 §4  
St. 1907 c. 214 §1  
St. 1910 c. 383  
St. 1953 c. 90  
St. 1953 c. 622

#### Cross References

St. 1906 c. 291 §20  
St. 1962 c. 322 §§2,2A

### §5 APPLICATIONS FOR, AND ISSUANCE OF, LICENSES; DISPOSITION OF FEES, ETC.

All licenses issued by the licensing board shall be signed by a majority of the members thereof and shall be recorded in the office of the board, and all fees for such licenses, including recording fees, miscellaneous fees and all other revenue, shall be paid into the treasury of the city.

The licensing board is hereby authorized and empowered to charge a fee not exceeding one dollar for the issuance of a duplicate of any license granted and issued by the board.

#### Historical Notes

St. 1906 c. 291 §4  
Sp. St. 1915 c. 313 §1  
St. 1946 c. 183

#### Cross Reference

G.L. c. 138 §9

### §6 RECORDS OPEN TO CERTAIN INSPECTION; ANNUAL REPORT

The licensing board shall annually in the month of December make a report to the governor.

All records of the board shall at all times be open to the inspection of the governor, the mayor, and of such persons as may be designated by either of them.

#### Historical Note

St. 1906 c. 291 §5

#### Cross Reference

G.L. c. 138 §9

### §7 INFORMATION TO BE FURNISHED POLICE COMMISSIONER CONCERNING LICENSES AND APPLICATION THEREFOR

The licensing board shall certify to the police commissioner the name of each applicant for a license, the name of each person to whom a license is issued, the date when each license goes into effect, the kind or class of the license, every change of location or place of business for the exercise of such license, and every transfer of a license ordered by it.

#### Historical Note

St. 1906 c. 291 §6

## §8

## NOTICE OF VIOLATION OF THE CONDITIONS OF LIQUOR LICENSES

If the police commissioner is at any time of the opinion that a person holding a license to sell intoxicating liquors in the city has violated or permitted a violation of any condition of his license, the police commissioner shall forthwith give notice to such licensee of the violation or violations aforesaid, and shall transmit to the licensing board a report in writing containing a statement of the conditions of the license that have been violated, together with a copy of the notice. If the licensing board, after a hearing as prescribed by section 47 of chapter 100 of the Revised Laws, shall determine that the license shall be forfeited, they shall, within thirty days after the receipt of the report of the commissioner, so notify the licensee and the commissioner; and the notice may be served upon the licensee by a police officer of the city, by delivering the same to him in hand or by leaving it at the place of abode of the licensee or at the place where the business authorized by such license is carried on. Upon such notice the license shall become forfeited. If the licensing board finds that the license should not be forfeited, they shall, within thirty days after the receipt of the report aforesaid, notify the commissioner of such finding, and shall also notify the licensee.

## Historical Notes

St. 1906 c. 291 §15

Sp. St. 1917 c. 145



Chapter 3 -- Committee on Licenses

(Prepared by Sheldon Drucker, Former Assistant Corporation Counsel)

Sec.

50 Committee On Licenses. Composition, Powers and Duties

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§50 COMMITTEE ON LICENSES. COMPOSITION, POWERS AND DUTIES

There shall be in the building department a committee of the public safety commission, known as the committee on licenses, consisting of the building commissioner, the fire commissioner, and the commissioner of traffic and parking, ex officiis. The committee shall have the powers and perform the duties conferred or imposed on the board of street commissioners by chapter 148 of the General Laws and by chapter 577 of the acts of 1913, chapter 488 of the acts of 1924, and chapter 349 of the acts of 1953, and all acts in amendment thereof.

## Historical Notes

St. 1913 c. 577

St. 1924 c. 488

St. 1953 c. 349

St. 1959 c. 203 §2

St. 1962 c. 338 §15

Chapter 5 -- Director of Markets

(Prepared by Samuel B. Spencer, Assistant Corporation Counsel)  
and Susan Walker, Legal Assistant)

Sec.

100 Director of Markets. Appointment, Term, Compensation, Powers, Duties, Etc.

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§100 DIRECTOR OF MARKETS. APPOINTMENT, TERM, COMPENSATION, POWERS, DUTIES, ETC.

The market department constitutes the division of markets of the real property department.

The office of director of markets established by chapter 78 of the acts of 1943 shall be subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws.

## Historical Notes

St. 1943 c. 78

St. 1953 c. 473

Rev. Ord. 1961 c. 22 §3

Chapter 7 -- Regulations Under Police Power  
(Prepared by Thomas H. Martin, Assistant Corporation Counsel)

## Sec.

150	Alleys, Snow, Ice, Rubbish and Obstructions In
151	Alms, Receiving in Public Places
152	Buildings Used for Dwelling Purposes. Filing of Certain Information
153	Buildings Used for Dwelling Purposes. Posting of Certain Information
154	Buildings Used for Dwelling Purposes. Refuse Receptacles
155	Earth Excavation and Removal
156	Entertainment and Amusement Licenses
157	Exhibitions of Moving Pictures in Churches, Etc.
158	Fires in Open Air
159	Garages
160	Garbage, Certain Dumping Prohibited
161	Horse Auctions
162	Lodging House Licenses, Term
163	Sale of Provisions and Produce Within Market Limits
164	Sale and Storage of Goods in Public Ways
165	Sightseeing Automobiles
166	Slaughtering Prohibited
167	Stables
168	Stands for Taxis and Hackneys
169	Taxicabs and Hackney Carriages
170	Used Car Dealers' Licences
171	Vacant Lots and Estates on Private Ways
172	Water System, Malicious Interference With
173	Wires Transmitting High Tension Currents
174	Licenses for Common Carriers Along Certain Routes

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§150 ALLEYS, SNOW, ICE, RUBBISH AND OBSTRUCTIONS IN

Whoever drops or places and suffers to remain in any public alley, any snow or ice or any rubbish or obstruction of any kind, shall be fined not exceeding fifty dollars for each offense.

Historical Note

St. 1898 c. 298 §3

§151 ALMS, RECEIVING IN PUBLIC PLACES

No person shall receive contributions of money, food, clothing, or other articles or things in or upon any part of the streets, parks, public grounds or other public places within the limits of the city, except upon such terms and conditions and within such times and places as may be prescribed by a



license granted therefor by such board or officer as may from time to time be designated by ordinance and approved in so far as it relates to times and places by the police commissioner; and a person so receiving without a license who is unknown to a police officer in whose presence the offence has been committed may be arrested by such officer without a warrant. Any violation of this section shall be punished in accordance with the provisions of section 46 of chapter 212 of the Revised Laws, or by a fine not exceeding twenty dollars.

#### Historical Notes

St. 1909 c. 538

St. 1969 c. 822

By Ords. 1972 c. 12, the Mayor was designated the officer to grant licenses under this section.

#### Cross Reference

Gen. Acts 1916 c. 188

### §152 BUILDINGS USED FOR DWELLING PURPOSES. FILING OF CERTAIN INFORMATION

Whoever owns land in the city upon which there is a building used in whole or in part for dwelling purposes, unless he has an usual place of abode or of business on such land, shall keep on file with the building commissioner, and open to public inspection, a certificate reciting (1) his name, residence and place of business, with the street and number, if any, or in the case of a corporation, the corporate name and place of business and the names and residences of the president, treasurer and clerk thereof, and (2) a description, by street and number or otherwise, of the location of the land owned. Within five days after any recital in such certificate changes, whoever then owns such land shall file a new certificate. A mortgagee shall not be deemed to own land within the meaning of this section until he takes possession or forecloses. Whoever violates any provision of this section shall be punished by a fine not exceeding one hundred dollars.

#### Historical Note

St. 1960 c. 355 §1

### §153 BUILDINGS USED FOR DWELLING PURPOSES. POSTING OF CERTAIN INFORMATION

Every owner and agent, or person having charge, of a tenement or lodging house shall leave his address with the commissioner of housing inspection, and shall have legibly posted on the wall or in the entry of such tenement or lodging house the name and address of the owner and of the agent or person having charge of the same; and service upon parties whose address is out of the city, of any papers or notices required by any act relating to the preservation of health, or by any proceedings to enforce any of their provisions, shall be sufficient, if made by sending a copy of such paper or notice through the mail to the address of the person or persons so designated as owner, agent or person having charge of such tenement or lodging house; and service upon parties whose address is in the city, by leaving such copy at said address. Any person violating any provision of this section shall be punished by a fine not exceeding one hundred dollars, or by confinement in the house of correction not exceeding sixty days. Any court having equity jurisdiction, in term time or vacation, may, on the application of the commissioner of housing inspection, by any suitable process or decree in equity, enforce the provisions of this section, and may, on such application, issue an injunction to restrain the use or occupation of any building or structure in the city of Boston used in violation of this section.

## Historical Notes

St. 1885 c. 382 §§19,21,22

The commissioner of housing inspection is the successor in function to the board of health, originally granted powers under this section, under Ords. 1965 c. 1 §2, enacted pursuant to St. 1909 c. 486 §5 as amended by St. 1953 c. 473 §1

## Cross Reference

St. 1889 c. 450 §4

## §154

## BUILDINGS USED FOR DWELLING PURPOSES. REFUSE RECEPTACLES

The owner of every tenement, lodging house and apartment house in the city shall provide and maintain therefor suitable covered water-tight metal receptacles for garbage, unless there is installed and maintained in such tenement, lodging house or apartment house other means for the immediate disposal of garbage, and shall provide and maintain therefor suitable metal receptacles for ashes, refuse and other like matter. Violations of this section shall be punished by a fine not exceeding twenty dollars for each offense.

## Historical Notes

St. 1952 c. 264 §§1,2

St. 1953 c. 256

## §155

## EARTH EXCAVATION AND REMOVAL

No person shall excavate any land in the city of Boston to a depth of more than five feet for the purposes of obtaining and removing sand, gravel or loam without first obtaining a permit from the building commissioner of the city. Application for such permit shall contain a description of the proposed excavation including a statement of the purpose thereof and the building commissioner may require that plans of the proposed excavation be filed before issuance of the permit. Said permit shall contain, by way of condition, such requirements with respect to drainage, shoring, fencing and other precautions as in the judgment of the building commissioner are necessary for the protection of neighboring land and structures thereon and of the public. In case such requirements are imposed by the building commissioner the permit shall not issue until the applicant files a bond, with the building commissioner as obligee, with a surety company authorized to do business in the commonwealth as surety, and conditioned upon the performance by the applicant of said requirements of the building commissioner. The penal sum of said bond shall be in an amount satisfactory to the building commissioner and suit may be commenced on said bond in the name of the building commissioner by any person sustaining damage to person or property as a result of a breach of said requirements so imposed.

Any person aggrieved by any act or omission of the building commissioner under this section shall have all remedies by way of appeal provided in sections 118 and 119 of chapter 479 of the acts of 1938 [i.e. sections 118 and 119 of the Boston Building Code]. Whoever violates any provision of this section or any of the conditions of a permit issued under this section, or whoever makes or permits to be made, or suffers to exist, an excavation in violation of any provision of this section or of said conditions, shall be punished by a fine of not more than five

hundred dollars. Each day during any portion of which such violation is allowed to continue shall be considered a separate offense.

#### Historical Notes

St. 1945 c. 204 §1

St. 1949 c. 80 §1

## §156

### ENTERTAINMENT AND AMUSEMENT LICENSES

The mayor of Boston, except as provided in section 105 of chapter 149 of the General Laws, shall grant a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description, to which admission is obtained upon payment of money or upon the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing upon such terms and conditions as he deems reasonable, but there shall not be charged a fee exceeding one hundred dollars for such license when the entertainment, exhibition or show is given in a building licensed as a theater. A license to be exercised in a building licensed as a theater shall be for a theatrical season and shall expire on the thirty-first day of December of the year during the whole or a portion of which it is to be exercised.

The mayor and the police commissioner of Boston, and a member of the art commission of the city to be designated annually in January by the members thereof, shall be a board with authority by a majority vote to suspend or revoke any such license at pleasure, but subject to the following provisions. No such license shall be revoked or suspended, without a hearing, on any ground having to do with public morality or decency, except that such a license may be so suspended on such a ground for not more than three days, if at or before the time of ordering such suspension the board orders that a hearing be held by it, within such three days, upon the question of revoking or further suspending such license; provided, that if the holder of such a license, during the period of its suspension, gives any exhibition, show or amusement contrary to the terms of such a suspension, such license may be revoked or further suspended by the board without a hearing. Notice of any such suspension or revocation and notice of a hearing under this section, shall be given to the licensee. Notice of such a hearing shall also be given to any person who has complained in writing to the board against the exhibition, show or amusement on any such ground as is hereinbefore described, and to any other person whom the board deems interested.

#### Historical Notes

St. 1821 c. 110 §14

St. 1908 c. 494 §§1,2

Sp. St. 1915 c. 348 §§1,2

St. 1936 c. 340

St. 1937 c. 91 §1

#### Cross Reference

G.L. c. 140 §§181,182

#### Case Annotations

In Gallanelli v. White (U.S. District Court, D. Mass. No. 73-2587-G), a three-judge court found G.L. c. 140 §§181,182 (as they existed on September 21, 1973) to be unconstitutional.



Since the preceding section closely parallels G.L. c. 140 §181, its validity must be considered doubtful. In an effort to correct the infirmities of the preceding section the city enacted Ords. 1973 cc.9-10, to which the reader is referred.

#### §157 EXHIBITIONS OF MOVING PICTURES IN CHURCHES, ETC.

The mayor may grant written permits for special exhibitions of moving pictures in churches, halls or other buildings in the city which, in his opinion, are in safe condition for such exhibitions, and he may prescribe regulations for the proper conduct of the same, provided, however, that such special exhibitions shall be subject to the laws of the commonwealth and the regulations of the district police relating to the use of the cinematograph or similar apparatus. A fee to be fixed by ordinance shall accompany each application for a permit hereunder.

##### Historical Note

S St. 1913 c. 280 § §1,2

Fee, originally \$2, is now fixed by ordinance under St. 1949 c. 222 at \$3.

##### Cross Reference

G.L. c. 143 §82

#### §158 FIRES IN OPEN AIR

No person shall set, maintain or increase a fire in the open air in the city of Boston without obtaining a permit from the fire commissioner as hereinafter provided. Permits for the setting and maintaining of fires in the open air in said city may be issued by the fire commissioner of the city for such periods of time, not exceeding one year from the date thereof, and subject to such reasonable conditions as said fire commissioner may establish by regulation. Any such permit may be revoked at any time by said fire commissioner. Violation of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or both. Section 13 of chapter 48 of the General Laws shall not apply to the city.

##### Historical Note

St. 1943 c. 355 § §1,2

##### Cross Reference

G.L. c. 48 §13

#### §159 GARAGES

In the city of Boston no building shall be erected for, or maintained as a garage for the storage, keeping or care of automobiles until the issue of a permit therefor by the committee on licenses of the public safety commission of the city after notice and a public hearing upon an application filed with said committee. The application for the permit shall be made by the owner of the parcel of land upon which such building is to be erected or maintained and shall contain the

names and addresses of every owner of record of each parcel of land abutting thereon.

The notice required by the preceding paragraph shall include a copy of the application and an order of said committee specifying the time and place of the public hearing, and shall be given by publication once in each week for three successive weeks in some one newspaper regularly published in the city, and by mailing by prepaid registered mail a copy to every owner of record of each parcel of land abutting on the parcel of land on which the building proposed to be erected for, or maintained as a garage is to be, or is situated, and the cost of such notice and proceedings shall be borne by the applicant. In the case of applications for permits to erect garages for the storage or keeping of not more than two cars, such notice shall be mailed as aforesaid not less than seven days prior to the hearing thereon and need be published but once, such publication to be prior to said hearing.

At the time and place specified in the notice for the hearing the said committee shall hear all parties interested, and after giving consideration to the interests of all owners of record notified, and the general character of the neighborhood in which is situated the land or building referred to in the application, shall determine whether or not the application shall be granted and a permit issued; provided, that no application shall be granted and no permit issued for the erection, maintenance or use of any structure or building as a garage for more than four cars on the same street as, and within five hundred feet of, any building occupied in whole or in part as a public or private school having more than fifty pupils, or as a public or private hospital having more than twenty-five beds, or as a church, but nothing in this proviso shall be construed to prohibit granting an application or issuing a permit for the erection, maintenance or use of a structure or building as a garage for more than four cars on premises owned and exclusively occupied for its corporate purposes by such school, hospital or church or on premises within that portion of the city commonly known as the first fire zone and described in section 27 of chapter 45 of the Revised Ordinances of 1898 of the city as in effect prior to the amendment of the section by chapter 4 of the Ordinances of 1913.

The provisions of the foregoing paragraph shall not apply to a building maintained as a garage for the storage, keeping or care of automobiles on April 18, 1922, but any enlargement or alteration of, or addition to, any such building shall be subject to the provisions of this section.

The provisions of this section shall not apply to any building maintained as a garage for the storage, keeping or care of automobiles on May 2, 1913, but any enlargement of, or addition to any such building shall be subject to the provisions of this section.

The provisions of this section requiring notice and a public hearing shall not apply to any application for a permit to erect or maintain a garage which is to be an appurtenance to a dwelling and in which not more than two automobiles are to be kept or stored.

Whoever erects or maintains a garage in violation of this section shall be subject to a fine of not less than ten nor more than fifty dollars for every day during which such violation continues.

#### Historical Notes

St. 1913 c. 577 §§1,2,3,4,5

St. 1914 c. 119 §§1,2,3

St. 1922 c. 316 §§1,2

St. 1931 c. 200

St. 1956 c. 87

St. 1959 c. 161

St. 1961 c. 178

(The committee on licenses in the public safety commission is the successor in function to

the board of street commissioners, originally authorized to grant licenses under this section, under Ords. 1954, c. 2 §62, enacted pursuant to St. 1909 c. 486 §5, as amended by St. 1953 c. 473 §1)

## §160 GARBAGE, CERTAIN DUMPING PROHIBITED

The dumping of garbage which is putrescible is prohibited in so much of the marshland adjoining Belle Isle Inlet as lies in the East Boston district of the city of Boston and the Beachmont district of the city of Revere. The superior court shall have jurisdiction in equity to enjoin violations of this section.

### Historical Note

St. 1964 c. 167

## §161 HORSE AUCTIONS

No person shall use or occupy for the sale of horses at auction any place within the building limits of the city as said limits existed on May 13, 1904 ; but the provisions of this section shall not apply to any place used or occupied for the sale of horses at auction as aforesaid where such auction takes place wholly within a building and where the horses are not shown or exhibited in the streets or highways within the building limits as aforesaid, except so far as is reasonably necessary to get outside of the building limits.

The maintenance or use of a place for the sale of horses at auction within the building limits of the city of Boston established as of the date aforesaid except in accordance with the provisions of this section, and the use or maintenance of any such place for the sale of horses at auction where the horses are shown, exhibited or sold in or upon the streets or highways at said auction sale, or where the business is conducted in such a manner as to impede travel upon the sidewalk, streets or highways adjacent to the place so used and occupied, shall constitute a common nuisance. Any person violating any of the provisions of this section or maintaining a nuisance in violation thereof shall be punished by a fine of not more than one thousand dollars. The provisions of section 16 of chapter 139 of the General Laws shall apply to the common nuisance defined by this section.

### Historical Notes

St. 1904 c. 336 §1

St. 1905 c. 426 §§1,2,3,4

## §162 LODGING HOUSE LICENSES, TERM

In the city of Boston, notwithstanding any provisions of sections 4 and 23 of chapter 140 of the General Laws to the contrary, licenses for lodging houses shall expire on April thirtieth of each year; but they may be granted during April, to take effect on May first following.

### Historical Note

St. 1959 c. 250 §1



## §163

## SALE OF PROVISIONS AND PRODUCE WITHIN MARKET LIMITS

Subject to the limitations hereinafter set forth, the commissioner of public works of the city of Boston may make reasonable regulations governing the occupation of street stands within the limits of Faneuil Hall Market in the city and may set the time for the opening and closing of said stands. Any person occupying a street stand or any place within the limits of said market for the sale of fresh provisions or perishable produce or having in his possession fresh provisions or perishable produce with intent to sell the same within said limits, except during the hours and in accordance with the regulations established by said commissioner shall be punished by a fine not exceeding twenty dollars for the first offence, and not exceeding one hundred dollars for each subsequent offence, and should such person be unknown to the police officer witnessing such use or occupation, he may be arrested by the officer without a warrant. But no such regulation shall exclude from the occupation of street stands in said market, between the hours of four o'clock in the morning and five o'clock in the afternoon, except on Sundays and holidays or upon the occurrence of some extraordinary emergency, any person whose sole purpose it is to sell fresh provisions or perishable produce which are the product of his own farm or of some farm within ten miles of his residence or any person selling such provisions or produce at wholesale only for some person or persons not residing or having a usual place of business within eight miles of said market, or as agent for such person or persons, or any person selling meats at wholesale only derived from animals by him slaughtered.

Requirements and prohibitions contained in this paragraph or elsewhere to the contrary notwithstanding, it shall be lawful to occupy without license or fee places in the streets, not including sidewalks, within the limits of Faneuil Hall Market, as the same are or may be defined in the ordinances of the city of Boston, and other market limits added under authority of chapter 376 of the acts of 1896, for the sale from wagons or other vehicles of fresh provisions and perishable produce: provided, that the same are the product of the farm of the person offering them for sale, or are meats to be sold at wholesale only by the person who slaughtered the animals of which the same were a part. It shall also be lawful for persons who are the principal tenants of basement or of ground-floor parts of buildings abutting on streets within the market limits, as they may be from time to time declared or defined, and who are regularly engaged in the business of selling fresh provisions or perishable produce to occupy, from time to time, by themselves or their employees, without license or fee, for the sale of said goods at wholesale and not by auction, parts of the roadway in front of their respective premises with vehicles, and in like manner to occupy parts of the roadway in front of the premises of other persons engaged in the same business within said limits for the purpose of selling to them or of offering to them for sale said goods under the conditions described in this section; provided, however, that such persons offer no objection. Occupations under authority of this section shall be only in accordance with rules and regulations established from time to time by the commissioner of public works of the city of Boston, the police commissioner of the city of Boston concurring, for the purpose of securing the orderly and convenient transaction of business and the free passage of vehicles and of foot passengers within and through said limits; and in so far as they shall deem proper the said commissioner, the police commissioner concurring, may further allow tenants to occupy temporarily with goods parts of sidewalks in front of their respective premises additional to such parts as may be specified in licenses issued to them by the commissioner of public works. Nothing in this section shall prevent the owner of a farm from allowing a person or persons solely employed by him to sell the products of such farm.

## Historical Notes

St. 1907 c. 584 §8

St. 1908 c. 519 §1

St. 1921 c. 191 § 1

St. 1937 c. 90 §1

The commissioner of public works is the successor in function to the board of street commissioners, originally granted powers by this section, under Ords. 1954 c. 2 §62, enacted pursuant to St. 1909 c. 486 §5, as amended by St. 1953 c. 473 §1.

## §164

### SALE AND STORAGE OF GOODS IN PUBLIC WAYS

The commissioner of public works of the city of Boston may issue, under the conditions hereinafter provided and under rules of his own not inconsistent herewith, licenses for the use of specified parts of public streets in the city for the storage and sale of merchandise.

A person seeking such a license shall file with said commissioner a written application therefor, stating his name, age, occupation, residence and place of business, if any, and whether or not he is a citizen of the United States or has declared his intention to become such. He shall describe accurately in writing, by plan or otherwise, the location, the shape and the dimensions of the space which he desires to occupy, the movable structures which he proposes to use, and the kinds of merchandise which he wishes to store and to sell. He shall submit as part of his application the written consent to the issuance of the said license on the part of the owner or owners of the premises in front of which he desires to carry on business and of the tenants of the ground floor of such premises, or in lieu thereof the written consent of the duly authorized agent or agents of such owners and tenants. When the privilege for which a license is asked is to be exercised in front of premises owned by the city, the owner's consent herein provided for may be given by the department having charge of said premises. An application from a firm or corporation shall be made by such partners or officers and under such further conditions as said commissioner shall determine, and every partner or officer so designated shall give concerning himself the information as to age, occupation, citizenship, residence and place of business which is required of an individual applicant.

The application shall be sent by the commissioner of public works to the police commissioner of the city of Boston, with a request for a report thereon. It shall be the duty of said police commissioner forthwith to examine in person or by means of his subordinates the location for which the license is asked, with particular reference to the effect of its use as desired upon the free passage of vehicles and of foot passengers and upon the maintenance of public order. In his report to the commissioner of public works, which shall be made as soon as practicable, he may certify his approval or his disapproval, or his approval conditional upon amendments to be made in the application as affecting the precise location, its area or the kinds of merchandise to be stored and sold thereon.

Should the commissioner of public works and the police commissioner agree as to the propriety of issuing a license, the authority for further action shall be vested in said commissioner of public works; but no license shall become effective until twenty-four hours after a copy thereof has been delivered to the police commissioner.

A license issued by the commissioner of public works may be for one or more week days in each week, for such hours daily as it shall in each case determine, and for any period not exceeding twelve months. It may be renewed on an application conforming to the conditions and in accordance



with the procedure prescribed in sections 2,3 and 4 of chapter 584 of the acts of 1907. It may be suspended or revoked for any reason which the commissioner shall consider sufficient.

For each license issued and for each renewal thereof the commissioner of public works shall charge and collect in advance such fee as may be fixed by ordinances, the receipt of which fee shall be certified on the face of the license. He may make and collect an additional charge as rent whenever the licensee is not the principal tenant of the ground floor of the premises in front of which the location is granted; or whenever such tenant is the licensee but carries on in the location for which the license is issued a business which in the manner of its conduct or in the character of the merchandise which is sold differs materially from the business in which he is mainly engaged at that place.

The commissioner of public works shall cause to be kept at his office full and accurate records of his doings under this section, open to the public under reasonable restrictions, and at all times to the mayor of the city or to such persons as he may designate. Separate accounts shall be kept of moneys received from licenses and from rentals derived from the use of parts of the public streets. Employees of the department of public works entrusted with the receipt or the custody of such moneys shall be required to give bonds for the faithful performance of their duties to such amount in each case and of such character as the department shall determine. Moneys received under the provisions of this section shall be paid over to the collector-treasurer weekly, or more frequently, with a statement in detail of the sources from which they were derived; and the collector-treasurer shall give his receipt therefor. The commissioner of public works shall include in his annual report a reasonable summary of his doings under the authority of this section.

The police commissioner of the city of Boston may designate from time to time certain streets, or parts of streets, or sections of the city wherein, and not elsewhere in the city, it shall be lawful on the days and within the hours specified by him, and under such general rules as he shall make, for any hawker or pedler, without the license provided for in this section, to stop or stand for the purpose of selling merchandise: provided, that such hawkers or pedlers carry on their business in conformity with the laws of the Commonwealth, the ordinances of the city, and the regulations of the board of health and hospitals of the city of Boston, now or hereafter enacted and not inconsistent herewith.

A person who uses or occupies a part of a public street in the city of Boston, otherwise than according to the provisions of this section, for the purchase, sale, storage or display of merchandise or other articles except materials or appliances used or to be used for public purposes or for building operations under authority or license lawfully conferred or issued by or under an ordinance of the city of Boston, now in existence or hereafter enacted, shall be subject to a fine not exceeding twenty dollars for the first offence and not exceeding one hundred dollars for each subsequent offence, and should such person be unknown to the police officer witnessing such use or occupation he may be arrested by the officer without a warrant.

#### Historical Notes

St. 1907 c. 584 §§1,2,3,4,5,6,7,9,10

Rev. Ord. 1961 c. 25 §1

St. 1909 c. 329

Rev. Ord. 1961 c. 15 §1

St. 1953 c. 473

(1) The commissioner of public works is the successor in function to the board of street commissioners, originally granted powers under this section, under Ords. 1954 c. 2 §62, enacted pursuant to St. 1909 c. 486 §5, as amended by St. 1953 c. 473 §1.

(2) The fee for a license has been fixed by ordinance under St. 1949 c. 222, as not less than five dollars nor more than three thousand dollars.



## §165

## SIGHTSEEING AUTOMOBILES

The term "sight-seeing automobile", as used in this section, shall mean an automobile, as defined in section one of chapter 90 of the General Laws, used for the carrying for a consideration of persons for sight-seeing purposes in or from the city of Boston and in or on which automobile guide service by the driver or other person is offered or furnished.

It shall be unlawful for a person or a corporation to offer or furnish service by a sight-seeing automobile in or from the city of Boston unless said automobile is first licensed hereunder and unless thereafter a certificate of public convenience and necessity is obtained as hereinafter provided, and it shall be unlawful for a person to operate such an automobile as driver in or from the city unless he is licensed so to do as hereinafter provided.

The police commissioner for the city of Boston shall have exclusive authority to license in said city sight-seeing automobiles and the persons operating them as drivers, and to designate places in the public streets which may be occupied as stands for sight-seeing automobiles of specified licensees on the days and within the hours authorized by him and subject to all reasonable rules relative to such stands which the said commissioner, who is hereby authorized thereto, shall from time to time establish. Such licenses shall be granted for a term not exceeding one year, but whenever granted they shall expire annually on the first day of March; and they may at any time be revoked or suspended for cause by said commissioner. At any time within a year after the expiration of a license for a sight-seeing automobile, said commissioner shall, upon payment to him of the fee required hereby, issue to the holder of such license a new license for said automobile or for one to be used in replacement thereof unless such expired license was suspended or revoked for cause; and at any time within a year after the expiration of a license for such a driver the commissioner may renew the same. The fees for operators' licenses issued hereunder shall be the same as those established from time to time for licenses granted to the drivers of hackney carriages and shall be fixed by ordinance. Nothing herein contained shall be deemed to be contrary to the provisions of chapter 90 of the General Laws and acts supplementary thereto or in amendment thereof.

In their use of public streets in the city of Boston, otherwise than for designated stands, sight-seeing automobiles and persons operating them as drivers shall be subject to all rules applicable to motor vehicles in general which, in accordance with law, have been made or shall hereafter be made by the traffic and parking commission and by the parks and recreation commission rules further restricting the use of said public streets by sight-seeing automobiles or regulating their general conduct and operation which the said police commissioner, who is hereby authorized thereto, shall from time to time establish.

No person or corporation shall offer or furnish service by sight-seeing automobiles in or from the city of Boston unless said person or corporation has obtained from the department of public utilities a certificate declaring that public convenience and necessity require such operation. Said department may, after public hearing, issue or refuse to issue such a certificate and may attach to the exercise of the privilege conferred by said certificate such terms and conditions as to operation and fares as the said department may deem that public convenience and necessity require. Said department may, after notice and hearing, suspend or revoke any such certificate for cause or alter or amend any terms or conditions attached to the exercise of the privilege conferred thereby. Said department may make suitable and reasonable rules, orders and regulations governing the operation and fares of sight-seeing automobiles carrying persons in or from the city of Boston,

and may revise, alter, amend and annul the same; provided, that such rules, orders and regulations shall not be inconsistent with those lawfully established by the traffic and parking commission of the city, by the parks and recreation commission, or by the police commissioner.

Whoever offers or furnishes service by sight-seeing automobiles in or from the city without obtaining a license and a certificate of public convenience and necessity, as herein provided, or after the expiration or revocation or during any suspension of such a license or certificate, or whoever while holding such a license and certificate offers or furnishes service by sight-seeing automobiles in violation of any rule, order or regulation made by said commissioner or the department of public utilities under the authority of this section, or in violation of any term or condition attached to the exercise of the privilege conferred by such certificate, shall be punished by a fine of not more than fifty dollars or by imprisonment in the house of correction for not more than one month, or both; and the supreme judicial and superior courts shall have jurisdiction in equity to restrain any such violation, upon petition of said commissioner, the department of public utilities or any interested party. Any person operating any sight-seeing automobile as a driver without the license required by the second paragraph of this section, or in violation of any rule, order or regulation made by said commissioner or said department, shall be punished by a fine of not more than twenty-five dollars.

Historical Notes

St. 1931 c. 399 §§1,2,3,4,5,6

St. 1933 c. 93 §§1,2

St. 1953 c. 473

Rev. Ord. 1961 c. 19

Rev. Ord. 1961 c. 24

§166

SLAUGHTERING PROHIBITED

The business of slaughtering cattle, sheep, swine or other animals, except poultry, shall not be conducted in the city. Whoever violates any provision of this section shall be punished by a fine of not more than five hundred dollars.

Historical Note

St. 1956 c. 650 §2

§167

STABLES

No person shall occupy or use any building in the city for a stable unless such use is authorized by the board of health and hospitals, and in such case only to the extent so authorized, provided that this section shall not prevent continuation of any such occupation and use authorized by law on March 8, 1889, to the extent so authorized. Any person violating any provision of this section shall be liable to a fine not exceeding five dollars for each and every day that such violation continues, and any court having jurisdiction in equity may restrain such use and occupation. In any case in which a person has been or shall hereafter be granted a license or other authority to use a stable on any land or building in the city, such authority shall be construed to mean a license or authority to any person thereafter occupying the land, to occupy and use a stable on such land until otherwise ordered by the board of health and hospitals of the city.

Historical Notes

St. 1869 c. 369 §§1,2

St. 1878 c. 192 §1  
St. 1889 c. 89 §§1,2  
St. 1897 c. 300 §§1,4  
St. 1965 c. 656 §3

Cross Reference

G.L. c. 111 §155

§168

STANDS FOR TAXIS AND HACKNEYS

The police commissioner shall, from time to time, designate certain portions, other than sidewalks, of public ways in the city, to be used and known as public hackney stands. Such stands shall be equally free and open of access to all vehicles whose owners are licensed under section 167, who have not been assigned special hackney stands and who have complied with all provisions of sections 168 and 169, and with all rules and regulations of the commissioner relative thereto. Within that portion of the city proper, or defined in the present rules and regulations of the police department relative to hackney carriages, lying north and east of Massachusetts avenue, the commissioner shall, so far as practicable, establish such stands at intervals of not more than one quarter of a mile. All such stands shall be plainly marked as public hackney stands. No motor vehicle other than a hackney carriage licensed for use at such a stand shall make use of any such public hackney stand. Said police commissioner shall, upon application for a public hackney stand by an applicant for a license under section 169, issue to such applicant for each hackney carriage for which a license under said section 169 is granted, a license for said carriage to use public hackney stands unless such carriage has been assigned to a special stand under section 5 of chapter 392 of the acts of 1930.

Historical Note

St. 1930 c. 392 §§7,8

§169

TAXICABS AND HACKNEY CARRIAGES

Except as otherwise provided in chapter 263 of the acts of 1929 [relative to powers and duties of the traffic and parking commission], the police commissioner shall have exclusive authority to make rules and orders for the regulation of hackney carriages and hackney stands, both as defined in the following paragraph, within the limits of the city, with penalties for the violation thereof not exceeding twenty dollars for each offence. Such rules and orders shall not take effect until they have been published at least once in a newspaper published in the city.

Each vehicle used or designed to be used for the conveyance of persons for hire from place to place within the city, except a street or elevated railway car or a trackless trolley vehicle, within the meaning of section 2 of chapter 163 of the General Laws, or a motor vehicle, known as a jitney, operated in the manner and for the purposes set forth in chapter 159A of the General Laws, or a sight-seeing automobile licensed under chapter 592 of the acts of 1913, shall be deemed to be a hackney carriage within the meaning of this section and, unless the context otherwise expressly requires, the words "drive" and "driver" shall be respectively deemed to include "operate"



and "operator", a special hackney stand shall be one for the exclusive use, for hackney carriage purposes, of the licensee thereof, a private hackney stand shall be one established only upon private property, and a public hackney stand shall be one for the common use, for hackney carriage purposes, of all licensees under this section except those licensed to use special hackney stands.

In the city, no person shall drive or have charge of a hackney carriage, nor shall any person, firm or corporation set up and use a hackney carriage, unless licensed thereto by the police commissioner of the city of Boston; nor shall any person having the care or ordering of such a vehicle in the city suffer or allow any person other than a driver so licensed to drive such a vehicle.

Said police commissioner shall annually grant hackney licenses in the city to suitable persons, firms and corporations who are owners of vehicles known as hackney carriages, if such person, or one member of such firm, resides in the city, or if the principal place of business of such corporation is in the city; provided, that, at any time within one year after the expiration of a license under this section, the holder thereof shall be entitled as of right, upon payment of the proper fee, to a renewal of such license, unless after a hearing before said commissioner it appears that he has good cause to refuse to issue the same. Licenses granted under this section shall be assignable, subject to the approval of said commissioner, and shall be subject to such other terms, conditions and limitations, and be issued subject to the payment of such fees, as said commissioner shall from time to time prescribe. Said commissioner shall also from time to time fix maximum and minimum rates to be charged by said licensees for use of such vehicles.

Said commissioner shall, as soon as may be, fix a limit for the number of licenses to be issued under this section, which limit shall be based upon the number of licenses then issued and outstanding but shall not be in excess of fifteen hundred and twenty-five, and he may from time to time, after reasonable notice and a hearing, decrease the limit so fixed, but in no event to a number less than nine hundred.

If an applicant is refused a license hereunder by reason of the fact that the maximum number of licenses limited hereunder has been issued, the department of public utilities, on petition of such applicant, may, after a hearing, determine that public convenience and necessity require a higher limit than that fixed by said commissioner or previously established by said department and shall establish the limit so required, in which case the limit set by said department shall be considered final until again changed as herein provided.

In the city of Boston, no person driving or having charge of a taxicab shall solicit the carriage of a passenger or passengers for hire unless said person is licensed as a hackney carriage driver, and said taxicab is licensed as a hackney carriage, by the police commissioner of the city. This paragraph shall not be construed as prohibiting the driver of a taxicab licensed as such outside of said city from accepting a passenger or passengers for hire within said city if summoned by telephone or radio for the purpose. Whoever violates the provisions of this paragraph shall be punished by a fine of not more than fifty dollars.

#### Historical Notes

- St. 1930 c. 392 §§1,2,3,4
- St. 1931 c. 408 §7
- St. 1933 c. 306
- St. 1934 c. 280 §1
- St. 1963 c. 386

## §170 USED CAR DEALERS' LICENSES

Notwithstanding any provision of law to the contrary, in the city of Boston no license, other than a renewal license, for dealing in second hand motor vehicles in the city shall be granted, under section 59 of chapter 140 of the General Laws, to a person within Class 2, as defined in section 58 of said chapter 140, except with the approval of the committee on licenses of the public safety commission after a hearing of which seven days' notice shall have been given to owners of property abutting on the premises where such license is proposed to be exercised.

## Historical Notes

St. 1953 c. 349

The committee on licenses in the public safety commission is the successor in function to the board of street commissioners, originally authorized to grant licenses under this section, under Ords. 1954 c. 2 §62, enacted pursuant to St. 1909 c. 486 §5, as amended by St. 1953 c. 473 §1.

## §171 VACANT LOTS AND ESTATES ON PRIVATE WAYS

Whenever the owners of unoccupied lands in the city of Boston, or of estates situated on a private passageway therein, neglect for one week after being notified by the commissioner of housing inspection of the city, to clean and put in healthful condition such lands or passageway, the commissioner may at the expense of such owners enter upon and clean and put in good condition such lands or passageway.

Any expense occasioned by the doing of the work aforesaid upon any unoccupied lands shall be paid by the owners of such lands, and by the doing of the work on a passageway shall be paid by the owners of the estates abutting upon such passageway, in proportion to the number of linear feet thereof so abutting, and shall be a lien upon such estates from the time of the passage of the order aforesaid until the same is paid, and may be included and made a part of the taxes of such estate, and be collected in the same manner and with and as a part of such other taxes.

## Historical Notes

St. 1897 c. 185 §§1,2

The commissioner of housing inspection is the successor in function to the board of health, originally granted powers under this section, under Ords. 1965 c. 1 §2, enacted pursuant to St. 1909 c. 486 §5, as amended by St. 1953. 473 §1.

## §172 WATER SYSTEM, MALICIOUS INTERFERENCE WITH

If any person or persons shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, streams or water sources, taken by the city for water supply purposes under the authority of chapter 167 of the acts of 1846, or shall corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said city, by the authority and for the purposes of that act, every such person or persons shall forfeit and pay to the said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And every such person or persons may, moreover, on indictment and conviction of either of the wanton and malicious acts

aforesaid, be punished by fine, not exceeding one thousand dollars, and imprisonment not exceeding one year, or by confinement to hard labor in the state prison for a term not exceeding ten years.

#### Historical Notes

St. 1846 c. 167 §15

St. 1861 c. 220 §1

### §173

#### WIRES TRANSMITTING HIGH TENSION CURRENTS

No wire for the transmission of electricity at more than fifteen thousand volts alternating, or ten thousand volts direct shall be placed, maintained or operated in the city except under ground; provided, that this section shall not apply to wires for the transmission of electricity on Boston Edison Company's right of way in the city extending from Baker street to the Boston-Dedham line and to such transmission line wires crossing public ways, highways and parkways. The provisions of this section may be enforced as provided in section 33 of chapter 166 of the General Laws; and it shall be the duty of the building commissioner to see to such enforcement.

#### Historical Notes

St. 1911 c. 371

St. 1960 c. 217

St. 1975 c. 449

The building commissioner is the successor in function to the commissioner of wires, originally granted powers under this section, under Ords. 1919 c.2, Ords. 1954 c.2 §30, enacted pursuant to St. 1909 c.486 §5, as amended by St. 1953 c.473 §1.

### §174

#### LICENSES FOR COMMON CARRIERS ALONG CERTAIN ROUTES

Notwithstanding any provisions of chapter 159A of the General Laws or any other general or special law to the contrary, the department of public utilities may, with the approval of the mayor of the city of Boston, issue licenses for the operation of motor vehicles carrying passengers for hire to and from a major regional transportation terminal in the city of Boston and locations outside the city of Boston along the following public ways: all streets in the city of Boston between such terminal and the entrance and exit ramps of the Massachusetts Turnpike Extension, of the John F. Fitzgerald Highway, or of interstate highway Route 93 in the city of Boston, provided that such public ways are already in use by through, commercial passenger bus or truck traffic. Any license issued pursuant to this section shall stipulate that the licensee may receive or discharge passengers within the city of Boston for operations carried out under authority of such license only at one, specified, major regional transportation terminal.

#### Historical Note

St. 1975 c. 306



Chapter 9 -- Consumers' Counsel

No Statutes apply. See Ordinances and Regulations.

Chapter 11 -- Prohibitions and Penalties

No Statutes apply. See Ordinances and Regulations

Chapter 13 -- Regulations Affecting Certain Trades

No Statutes apply. See Ordinances.

Chapter 15 -- Fees and Charges

No Statutes apply. See Ordinances.

Chapter 17 -- Dog Officer

No Statutes apply. See Ordinances.

## TITLE 15

## SCHOOLS

(Prepared by The Honorable Edith W. Fine,  
former Assistant Corporation Counsel)

Chap.

Sec.

1	School Department . . . . .	1
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Chapter 1 - School Department

Sec.

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## § 1

## ELECTION OF SCHOOL COMMITTEE

At every regular municipal election, there shall be elected at large five school committeemen, each to hold office for the two municipal years following the municipal year in which he is elected.

## Historical Notes

- St. 1821 c. 110 §19
- St. 1835 c. 128 §1
- St. 1854 c. 448 §§53,54
- St. 1875 c. 241 §1
- St. 1885 c. 266 §10
- St. 1905 c. 349 §1
- St. 1909 c. 486 §33
- St. 1924 c. 479 §5
- St. 1948 c. 452 §18
- St. 1951 c. 376 §§1,3

## Cross References

- G.L. c. 43 §31
- St. 1973 c. 1177 (Defeated, Nov. 1974)

## § 2

## VACANCY IN OFFICE OF SCHOOL COMMITTEEMAN

If at any time a vacancy occurs in the school committee from any cause, the mayor, the president of the city council and the remaining school committeemen, meeting in joint convention, shall, within fifteen days after the vacancy arises, choose, as school committeeman for the unexpired term, whichever of the defeated candidates for the office of school committeeman at the regular municipal election at which school committeemen were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of school committeeman. If at a regular municipal election there is a failure to elect a school committeeman or if a person elected school committeeman at such an election resigns or dies before taking office, within fifteen days after the remaining school committeemen-elect take office, such school committeemen and the then mayor and the then president of the city council shall meet in joint convention and choose, as school committeeman for the unexpired term, whichever of the defeated candidates for the office of school committeeman at such election, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of school committeeman.

## Historical Notes

- St. 1854 c. 448 §25
- St. 1905 c. 349 §1
- St. 1937 c. 366 §1
- St. 1939 c. 142 §1
- St. 1948 c. 452 §19
- St. 1951 c. 376 §1
- St. 1952 c. 190 §2

## Cross Reference

- G.L. c. 43 §36



## § 3 ORGANIZATION AND COMPENSATION OF SCHOOL COMMITTEE

The members of the school committee shall meet and organize on the first Monday of January following their election. The school committee shall be the judge of the election and qualifications of its members. The members of the school committee shall serve without compensation. A majority of all the members of the school committee shall be necessary to constitute a quorum for the transaction of business.

## Historical Notes

- St. 1875 c. 241 §4
- St. 1906 c. 318 §2
- St. 1948 c. 452 §18
- St. 1951 c. 376 §1

## § 4 POWERS AND DUTIES

The school committee shall have the supervision and direction of the public schools, and shall exercise the powers and perform the duties in relation to the care and management of schools which were exercised and performed by the school committee as of the effective date of St. 1875 c. 241, except so far as they may have been changed or modified by that act, and shall have the powers and discharge the duties which may thereafter have been imposed by law upon the school committees of cities and towns. They may elect teachers, and may discharge those now in office, as well as those hereafter elected. They shall appoint janitors for the school-houses, fix their compensation, designate their duties, and may discharge them at pleasure. They may fix the compensation of the teachers, but the salaries established at the commencement of each school year shall not be increased during such year. The school committee may at any time increase the salary of any person in the service of the school department or of any vacant office or position therein if a general appropriation for salary increases is available for the payment of such increases.

It shall be the duty of the school committee, and the school committee shall have the exclusive power and authority to perform necessary alterations, as defined in section 3(e) of chapter 642 of the acts of 1966, maintenance and repairs of public school buildings and their yards and furnishings.

## Historical Notes

- St. 1875 c. 241 §5
- St. 1933 c. 121 §2
- St. 1963 c. 786 §4
- St. 1966 c. 642 §8
- St. 1973 c. 321

## Cross Reference

For those powers and duties which "thereafter have been imposed by law upon the school committees of cities and towns" refer to General Laws chapters 43, 71, 71A, 72, 76, 77, particularly chapter 43 section 33 and chapter 71 section 37.

For those powers and duties "exercised and performed by the school committee as of the effective date of St. 1875 c. 241" refer to St. 1860 c.101, St. 1862 c.57, St. 1863 c.126, St. 1865 c.134, St. 1867 c.155, St. 1869 c.305, St. 1870 c.117, St. 1873 c.106, St. 1873 c.108, St. 1873 c.292 §§2 and 3, St. 1874 c.272, St. 1874 c.389.

## §5 SECRETARY

The school committee shall choose a secretary, not of their own number, who shall be recording secretary of the school committee and the board of superintendents and shall perform such other duties as the committee shall prescribe, and who shall hold office until removed by the committee for cause.

## Historical Notes

St. 1875 c. 241 §4

St. 1906 c. 318 §1

St. 1932 c. 231

St. 1946 c. 497 §2

## §6 SUPERINTENDENT AND OTHER APPOINTMENTS GENERALLY

The school committee shall, in the year 1972 and in every third year thereafter, elect a superintendent of schools who shall hold office for the term of three years from the first day of September in such year. The school committee shall fix the compensation of such superintendent and may remove him for cause. Any vacancy in the office of superintendent shall be filled by the school committee for the unexpired term.

The superintendent of schools shall be the executive officer of the school committee in all matters pertaining to the powers and duties of the school committee.

No person shall be elected or appointed by the school committee unless such person shall have been nominated for such election or appointment by the superintendent of schools; provided, however, that the preceding provision of this paragraph shall not apply, and the superintendent of schools shall have no power of nomination, in the case of an appointment to an office or position subject to the civil service law and rules or in the case of an election or appointment of a chairman, secretary or treasury of the school committee or of a superintendent of schools or of a person to serve on the board of trustees of the teachers retirement fund or the board of trustees of the permanent school pension fund.

The school committee shall fix the compensation of persons so elected and may remove them, or any of them, for cause. Any vacancy in the office of any person so elected shall be filled by the school committee for the unexpired term subject to the provisions of the preceding paragraph.

The superintendent of schools shall assign to each person so elected such duties as he may see fit, except the review of eligibility lists prepared by the board of examiners.

## Historical Notes

St. 1875 c. 241 §7

St. 1906 c. 231 §1

St. 1914 c. 489

St. 1946 c. 497 §1

St. 1965 c. 208 §1

St. 1966 c. 642 §15

St. 1972 c. 150 §§1,2

## §7 BUSINESS MANAGER

The school committee shall choose, upon the nomination of the superintendent of schools, a business manager, who shall hold office until removed by the committee for cause. The school committee may also choose, upon the nomination of the superintendent of schools, and may for cause remove,

an acting business manager who shall serve only during the time that the business manager is absent or otherwise unable to act, and he shall during such time exercise all the powers and perform all the duties of said business manager. The school committee may also choose, upon the nomination of the superintendent of schools, and remove such other subordinate officers not specifically provided for by law as they may deem expedient. The business manager shall in writing approve and transmit to the city auditor all vouchers, pay rolls and other documents calling for the expenditure of money, together with summarized requisitions on said auditor, and requesting the auditor to place said vouchers, pay rolls and other documents on his draft for payment by the treasurer of the city.

#### Historical Notes

- St. 1875 c. 241 §4
- St. 1906 c. 318 §1
- St. 1932 c. 231
- St. 1946 c. 497 §§2,3
- St. 1969 c. 409

### §8

#### ASSOCIATE AND ASSISTANT SUPERINTENDENTS

Subject to the provisions of the last paragraph of section 6, the school committee shall elect, in the years 1972, 1973 and 1974, one associate superintendent and one assistant superintendent, each for a term of three years from the first day of September in the year of his election, and shall elect, in each year beginning with the year 1975, two associate superintendents and two assistant superintendents, each for a term of three years from the first day of September in the year of his election.

Subject to the provisions of section 6, the school committee shall elect one of the associate superintendents to serve as deputy superintendent until the expiration of his term as associate superintendent.

#### Historical Notes

- St. 1875 c. 241 §7
- St. 1906 c. 231 §1
- St. 1914 c. 489
- St. 1946 c. 497 §1
- St. 1965 c. 208 §1
- St. 1966 c. 642 §4
- St. 1972 c. 150 §2

### §9

#### BOARD OF SUPERINTENDENTS

The superintendent of schools, the associate superintendents and the business manager shall constitute the board of superintendents. The superintendent of schools or, in the event of his absence or disability or of vacancy in his office, the deputy superintendent, shall preside at meetings of the board. The board shall have no executive or administrative powers, but shall act as an advisory board to the superintendent of schools.

#### Historical Notes

- St. 1875 c. 241 §7
- St. 1906 c. 231 §1
- St. 1914 c. 489
- St. 1946 c. 497 §1
- St. 1965 c. 208 §1



## §10 LIMITATION ON SCHOOL COMMITTEEMEN HOLDING OFFICE

No school committeeman shall, during the term for which he is elected or chosen, be elected or appointed to, or hold, any other office or position in the school department of the city.

### Historical Note

St. 1965 c. 208 §1

## §11 ELECTION OF SCHOOL OFFICIALS

The votes of a majority of the whole number of members of the school committee shall be necessary to elect the superintendent of schools, the assistant superintendents, the head masters of the Latin, normal and high schools, the masters of the grammar schools, the director of a special study or exercise, or any officer employed by the school committee.

### Historical Notes

St. 1875 c. 241 §8

St. 1906 c. 231 §2

This statute probably now applies to associate superintendents. See St. 1965 c. 208.

## §12 ADMINISTRATIVE ASSISTANTS

Each member of the school committee may appoint, without further authority than that contained in this paragraph, one administrative assistant, who shall serve at the pleasure of, and in a confidential capacity to, such member. Such administrative assistants shall not be subject to chapter thirty-one of the General Laws.

### Historical Note

St. 1964 c. 465 §1

## §13 APPROPRIATIONS

The school committee may each year by vote of four fifths of all its members, taken by yeas and nays, make appropriations to be raised by taxation as follows:

- (a) For the alteration and repair of school buildings and for furniture, fixtures, and means of escape in case of fire, and for fire protection of existing buildings, and for improving existing school yards, a sum which shall not exceed three dollars on each one thousand dollars of the average of the assessors' valuations for each of the three preceding years, such valuations being reduced by abatements granted up to December the thirty-first of the preceding year; and
- (b) For all other school purposes, a sum which shall not exceed the amount certified by the city auditor as available for appropriation under this clause in such year.

Before the first Monday in March in each year, the city auditor shall determine: - (i) the amount of money estimated by the school committee to be given, and the income to be collected, for school purposes in such year, (ii) the total amount appropriated in the preceding year by the school committee under, or for the purposes of, clause (b) above from taxes, estimated income and unexpended balances, (iii) the amount appropriated in the preceding year for the purposes of said clause (b) by the city council with the approval of the mayor, (iv) the total amount appropriated in the preceding year under, or for the purposes of, said clause (b) remaining unexpended at the end of such year, and (v) the amount which is twice the total expended during the last four months of the preceding year for salary increases effective on September first of such year. Not later than the first Monday of March in each year, the city auditor shall certify to the school committee as the amount available for appropriation by the school committee in such year under clause (b) above the amount by which the aggregate of the amounts determined

under clauses (ii), (iii) and (v) of this section exceed the aggregate of the amounts determined under clauses (i) and (iv) of this section.

Unexpended appropriation balances may be reappropriated for their respective purposes; and, in addition to the sum specified in clause (b), an amount equal to the money that may be given, and the income collected for school purposes, as estimated by the school committee, may be appropriated for the purposes of clause (b). Nothing in this section shall be construed as authorizing the school committee to appropriate sums distributed or distributable under chapter 70 of the General Laws, which sums constitute general revenues of the city.

Nothing in this section shall prevent the mayor, on request of the school committee, from recommending and the city council from passing additional appropriations for school purposes.

#### Historical Notes

- St. 1936 c. 224 §1
- St. 1948 c. 167 §1
- St. 1949 c. 117
- St. 1963 c. 786
- St. 1966 c. 642 §13
- St. 1970 c. 583

### §14

#### GEORGE ROBERT WHITE STADIUM

So long as the stadium in the city known as the George Robert White Fund Schoolboy Stadium shall remain in the custody and control of the school committee, said stadium, together with the estate upon which it stands, shall be deemed to be a school building and yard, and shall be repaired, altered, improved and furnished in the same manner as a school building and yard out of funds appropriated under paragraph (a) of section thirteen.

#### Historical Note

- St. 1950 c. 291 §1

### §15

#### DEFINITION OF "ALL OTHER SCHOOL PURPOSES"

The phrase "all other school purposes" as used in section thirteen shall be construed, without limiting its generality, to include the following:

- (a) Organizing and conducting physical training and exercises, athletics, sports, games and play; employing athletic directors and coaches to supervise in public schools said physical training and exercises, athletics, sports, games and play; providing apparatus, equipment, supplies, athletic wearing apparel, appropriate souvenir garments and trophies, and facilities for the same in buildings, yards and playgrounds under the control of the school committee, or upon any other land which the school committee may have the right to use for this purpose under the provisions of chapter 295 of the acts of 1907 and acts in amendment thereof and in addition thereto; transporting public school athletic teams, coaches, cheerleaders, and bands bearing the school name, formed in pursuance of the school purposes authorized by this clause, within and without the commonwealth to places where athletic contests or said physical exercises, sports, games or play are held, and purchasing uniforms and musical instruments for the members of bands composed of public school pupils and bearing the school name organized in conjunction with the school purposes aforesaid.
- (b) The employment of one supervising female\* nurse, and as many district female\* nurses as, in the opinion of the school committee, are necessary in accordance with the provisions of section 26 hereof and the employment of such number of school physicians as, in the opinion of the school committee, may be necessary, and the care of teeth of school children.
- (c) Conducting educational and recreative activities in or upon school property under the control of the school committee, and the use thereof by individuals and associations in accordance with

the provisions of section 29 hereof.

(d) The payment of pensions to members of the teaching or supervising staff of the public schools and to persons who were annuitants of the Boston Teachers' Retirement Fund at the time when chapter 589 of the acts of 1908 took effect.

(e) Promoting the Americanization and better training for citizenship of foreign-born persons.

(f) Vocational guidance.

(g) The payment, by providing insurance coverage or otherwise, of the reasonable hospital, medical and surgical expenses incurred by or in behalf of any student in any of the public schools by reason of injuries sustained by him or her while participating, or practicing or training for participation, in any game, meet or contest conducted or held as a part of or in connection with the physical education or athletic training program of the school department.

(h) The payment, by providing insurance coverage or otherwise, of the reasonable hospital, medical and surgical expenses incurred by or in behalf of any student in any of the public schools by reason of injury sustained by him while engaged in shop or laboratory work at such school.

(i) The payment of a proper charge for effecting such insurance as, in the opinion of the school committee, may be necessary or advisable in connection with the instruction of pupils in the public schools in the driving of motor vehicles.

#### Historical Notes

St. 1907 c. 357

St. 1925 c. 309

St. 1930 c. 283

St. 1936 c. 224

St. 1948 c. 334

St. 1951 c. 411 §2

St. 1952 c. 247

\* Paragraph (b) requires that such nurse be "female". However, in view of the intervening prohibition against sex discrimination in employment (G.L. c. 151B, §4), the reference to sex is probably no longer in effect.

#### Cross Reference

The organization of Home and School Associations in all districts was approved by order of the School Committee of March 22, 1917.

## §16

### EFFECT OF SCHOOL COMMITTEE APPROPRIATIONS

The votes of the school committee making appropriations as aforesaid shall have the same force and effect as orders or votes of the city council thereof appropriating money, and shall be subject to the same provisions of law in respect to approval by the mayor, except that a vote of four fifths of all the school committee, taken by yeas and nays, shall be necessary to pass such appropriations over the veto of the mayor.

The school committee shall submit to the mayor estimates of the proposed expenditures for school purposes not later than the first Monday in February of each fiscal year. All appropriations for said school purposes shall be passed by the school committee not later than the first Monday in April.

#### Historical Notes

St. 1898 c. 400 §2

St. 1919 c. 206 §2

St. 1936 c. 224 §3

St. 1945 c. 513



## § 17 CERTIFICATION OF AMOUNT APPROPRIATED

All appropriations to be raised by taxation made by the school committee shall be certified by the school committee to the board of assessors thereof not later than May first in each year and the assessors shall include the same in the levy of that year.

In any year in which the school committee fails to certify to the board of assessors its appropriations to be raised by taxation, as provided in this section, the mayor shall, on or before May tenth, certify to the board of assessors an appropriation in the form adopted by the school committee in the preceding year in the amount expended in that year, which amount shall be used by the assessors in the computation of the tax rate for the then current year; and the mayor shall transmit to the school committee on or before May tenth of that year a copy of such certification which shall thereby become the budget of the school committee for the then current year.

## Historical Notes

- St. 1898 c. 400 §3
- St. 1919 c. 206 §3
- St. 1936 c. 224 §3
- St. 1945 c. 513

## § 18 ATTENDANCE AT CONFERENCES, INVESTIGATIONS AND RELATED TRAVEL

The school committee may appoint one or more persons to represent the city at congresses, conventions and other meetings held to consider questions of concern to public schools, although the questions to be discussed are not actually pending at the time in the conduct of the schools of the city. The committee may also appoint one or more persons to investigate matters pertaining to the conduct of the schools of the city and to obtain information thereon. All persons so appointed shall report to the school committee in writing and all such reports shall be published in the City Record. The school committee may expend annually, from the appropriation for the support of the public schools, an amount not exceeding forty thousand dollars to defray the travelling and other necessary expenses incurred under this provision. An itemized account of such expenses shall be filed with the city auditor.

## Historical Notes

- St. 1914 c. 274 §§3,4
- St. 1945 c. 709
- St. 1955 c. 236
- St. 1963 c. 142
- St. 1965 c. 182
- St. 1966 c. 32
- St. 1970 c. 531

## § 19 DISCIPLINARY SCHOOLS

The school committee may establish and maintain one or more disciplinary day schools for the instruction and training of children who are habitual truants, absentees or school offenders as defined in sections 3, 4, and 5 of chapter 77 of the General Laws.\*

The school committee may adopt rules and regulations for the supervision and direction of such

schools, and may also establish rules and regulations for placing children in such schools. Any supervisor of attendance may apprehend and take to any such school without a warrant any habitual truant, absentee or school offender who has been placed in such school under rules and regulations established by the school committee relating thereto. Every person having under his control a child placed in any such school shall cause him to attend school as provided in the rules and regulations of the school committee, and if he fails to cause such child so to attend school he shall, upon complaint of a supervisor of attendance and upon conviction thereof, be punished by a fine of not more than ten dollars. Whoever induces or attempts to induce a child to absent himself from any such school, or employs or harbors a child while such school is in session, shall be punished by a fine of not less than five nor more than twenty dollars. An inmate of any such school who persistently violates the reasonable regulations thereof, or who is generally of indecent or immoral conduct, or who otherwise grossly misbehaves, so as to render himself an unfit subject to attend such school, may, upon complaint by a supervisor of attendance or by the officer in control of such school and conviction thereof, if under sixteen years of age, be committed to the Middlesex County Training School ; provided, however, that in no case shall the sentence be for a period of more than two years.

#### Historical Notes

St. 1914 c. 738 §§1-6

Sp. St. 1916 c. 88 §1

St. 1928 c. 184

\* The school committee no longer maintains a disciplinary day school.

This section originally provided for commitment to the "Suffolk School for Boys" which no longer exists. See G.L. c.77 §1.

## §20

### DUTIES OF CERTAIN SUPERVISORS OF ATTENDANCE

The school committee shall designate any male child-guidance social worker of the child welfare division of the penal institutions department to act as a supervisor of attendance in the city, and to act in matters pertaining to the schooling of wards of the city wheresoever they are placed; provided, that the person so designated shall have previously passed an open competitive civil service examination for the position of such supervisor. Any such person shall exercise and perform the powers and duties conferred and imposed upon supervisors of attendance in the city by general or special law, and shall receive such compensation for acting as such supervisor as may be established by the committee.

#### Historical Notes

St. 1946 c. 388

St. 1949 c. 291

## §21

### HORACE MANN SCHOOL

The school committee shall maintain the Horace Mann School for the education of deaf mutes and deaf children who shall be sent to said school by the Governor, with the approval of the Board of Education, or shall otherwise be lawfully sent to or received by the said school for instruction therein.

#### Historical Notes

St. 1885 c. 201 §§1,2

St. 1905 c. 467 §1

St. 1928 c. 339

#### Cross Reference

G.L. c. 71B

## §22 AGRICULTURAL SCHOOL

The school committee may establish and maintain an independent agricultural school, as defined by sections 1 through 10, 12 and 13 of chapter 74 of the General Laws, and under the authority of and subject to the provisions of said act and acts in amendment thereof and in addition thereto.

## Historical Notes

St. 1913 c. 337 §1

## §23 INDUSTRIAL ARTS

The city may establish and maintain, or contribute to the establishment and maintenance of, an institution for giving practical instruction in industrial occupations and in the arts and sciences allied therewith.

## Historical Note

St. 1900 c. 171 §1

## §24 EMPLOYMENT OFFICE

There may be established and maintained by the school committee an employment office for registering applications of minors residing in the city who seek employment, and of those who desire to employ such minors.

The school committee shall establish regulations respecting the conduct of the office and shall take such action as it deems best to promote the purposes of an employment office for minors, and to bring together such minors seeking employment and those desiring to employ them.

No fees, direct or indirect, shall be charged to or accepted from applicants for employment who apply at the office established hereunder, and the expense of maintaining the same shall be charged to the appropriation for the support of schools in the city .

## Historical Note

St. 1913 c. 389 §§1-3

## §25 TEACHER TRAINING

The school committee may conduct courses for the improvement of teachers or others in its service, or for the training and qualification of persons who are or may become candidates for positions as teachers in special schools or subjects. The school committee may employ such persons as it deems expedient in connection with the said courses, and may fix their compensation.

## Historical Note

Sp. St. 1915 c. 189 §1



## §26 CIVIL SERVICE STATUS OF ENGINEERS AND JANITORS

Engineers, janitors and all persons having charge of steam boilers and furnaces in the school buildings in the city shall be classified and appointed pursuant to chapter 31 of the General Laws and the rules of the civil service commissioners made and established thereunder.

### Historical Note

St. 1889 c. 352 §1

## §27 CIVIL SERVICE STATUS OF SUPERVISORS OF ATTENDANCE

All supervisors of attendance hereafter appointed by the school committee, as provided in section 12 of chapter 77 of the General Laws, shall be classified and appointed pursuant to the provisions of chapter 31 of the General Laws and the rules of the civil service commissioners made and established thereunder.

### Historical Notes

St. 1893 c. 253 §1

St. 1928 c. 184

## §28 NURSES

The school committee shall appoint one supervising female nurse\* and so many district female nurses as in its opinion are necessary. The said nurses shall hold office for such terms as the school committee may determine and shall perform such duties as the school committee may designate, but more particularly they shall assist the medical inspectors in their work in the public schools of the city, seeing that the directions given by the inspectors are carried out, and giving such instruction to the pupils as will promote their physical welfare.

No person shall be appointed as one of the said nurses unless she has taken a course of instruction in, and has graduated from, some hospital or similar institution giving a course of instruction in nursing at least two years in length, and has presented to the school committee satisfactory evidence that she possesses good character and health, nor unless, in addition, she shall have passed an examination given under the direction of the school committee and designed to test the applicant's training, knowledge, character, experience and aptness for the work.

### Historical Note

St. 1907 c. 357 §§1-2

\* The statute requires that such nurses be female. However, in view of the prohibition against discrimination in employment based on sex (G.L. c. 151B §4) the reference to sex is probably no longer of any effect.

## §29 ATHLETIC ORGANIZATIONS

The school committee may supervise and control all athletic organizations composed of pupils of the public schools and bearing the name of the school.

It may directly or through an authorized representative determine under what conditions such organizations may enter into competition with similar organizations in other schools.

Historical Note

St. 1906 c. 251

### § 30

#### SECRET ORGANIZATIONS

The school committee may prescribe such rules concerning the admission of pupils enrolled in the public schools of the city to secret organizations, except religious organizations, composed wholly or in part of public school pupils, and their continuance therein, as it may deem expedient for the welfare of the public schools, and may exclude from the public schools any pupil not required by law to attend school who neglects or refuses to comply with any rule prescribed in accordance with the provisions of this section.

Historical Notes

St. 1909 c. 120 §1

### § 31

#### PHYSICAL TRAINING PROGRAMS

The school committee, within the limit of the appropriations for such purposes made by it as hereinbefore authorized or under existing authority of law, shall, during the summer vacation and such other part of the year as it may deem advisable, organize and conduct physical training and exercises, athletics, sports, games, and play, and shall provide proper apparatus, equipment, athletic wearing apparel and facilities for the same in the buildings, yards and playgrounds under the control of the school committee, or upon any other land which it may have the right to use for this purpose.

The school committee shall use for the purposes aforesaid such of the playgrounds, gymnasias or buildings under the control of the Parks and Recreation Commission of the city as the school committee may deem suitable therefor, and may equip the same therefor, such use to be subject however to such reasonable regulations and conditions as the Parks and Recreation Commission may prescribe, provided also, that such use shall not extend to any playground, gymnasium or building under the control of the Parks and Recreation Commission which the commission shall by vote approved by the mayor declare to be unsuitable for such use.

The school committee may charge admission to athletic contests and games conducted by it, including such contests and games conducted on land under the control of the Parks and Recreation Commission; but the city shall not on account of such charge be liable for any injury, loss or damage suffered by any person or property. Such admission charges shall be deemed to be income collected for school purposes, except that one third of all admission charges to such contests and games conducted on land under the control of the Parks and Recreation Commission shall be deemed to have been received by the Parks and Recreation Commission and to be available for appropriation for its purposes.

Historical Notes

St. 1907 c. 295 §§1,2

St. 1931 c. 111  
St. 1934 c. 145 §1  
St. 1935 c. 19  
St. 1947 c. 425 §1

## §32

## USE OF SCHOOL FACILITIES BY COMMUNITY

For the purpose of promoting the usefulness of the public school property of the city, the school committee may conduct such educational and recreative activities in or upon school property under its control, and shall allow the use thereof by individuals and associations, subject to such regulations as the school committee may establish, for such educational, recreative, social, civic, philanthropic and similar purposes as the committee may deem to be for the interest of the community; provided, that such use shall not interfere or be inconsistent with the use of the premises for school purposes.

## Historical Notes

St. 1912 c. 195 §1  
Sp. St. 1916 c. 86 §1

## §33

## CHIEF STRUCTURAL ENGINEERS AND SUBORDINATES

Subject to the provisions of section 6, the school committee shall also elect a chief structural engineer, a senior structural engineer and not more than three structural engineers, who shall severally hold office until removed by the school committee. The chief structural engineer shall constitute the awarding authority within the meaning of section 44A fo 44L, inclusive, of chapter 149 of the General Laws with respect to contracts for the alteration or repair of public school buildings. At such times as the chief structural engineer is absent or unable from any cause to perform his duties or as there is a vacancy in the office of chief structural engineer, the senior sturctural engineer, or in case of his absence or disability or of a vacancy in such office such structural engineer as the school committee shall from time to time designate, shall act as chief structural engineer.

The incumbents of the position of chief structural engineer and of the position of senior structural engineer in the school department on the effective date of St. 1966, c. 642, shall, without nomination or appointment, become respectively the chief structural engineer and the senior structural engineer provided for by that act, and the civil service law and rules shall continue to apply to such incumbents, but not to their successors in office; and the deputy superintendents in the department of school buildings of the city when St. 1966 c. 642 takes effect shall, without nomination or appointment, become the structural engineers provided for by said act, and they, but not their successors in office, shall hold office subject to sections 43 and 45 of chapter 31 of the General Laws.

Neither the chief structural engineer, the senior structural engineer or any such deputy superintendent shall suffer any reduction in compensation or any impairment of his retirement, vacation or sick leave rights by reason of the passage of chapter 642 of the acts of 1966.

Every person holding in the department of school buildings on the effective date of St. 1966 c. 642 an office or position subject to the civil service law and rules shall be transferrred without civil service examination or registration to a similar office or position under the school committee without reduction in rank or compensation or impairment of his civil service rights or his retirement, seniority, vacation or sick leave rights; and his service shall be deemed to have been continuous



to the same extent as if the abolition of the department of school buildings had not taken place. No person holding an office or position in the department of school buildings on the effective date of St. 1966 c. 642 shall suffer any impairment of his retirement or pension rights by reason of the abolition of the department of school buildings.

#### Historical Notes

St. 1966 c. 642 §14

St. 1972 c. 150 §2

### §34

#### FIRE PERMITS

The fire commissioner upon application by the school committee, may issue a permit authorizing the school committee to keep, store and maintain on the premises of such school or schools as may be specified in such permit, motor vehicles, motors, engines and any automotive equipment for use in connection with "shop courses," so called, conducted at such school or schools, and to keep, store and use such quantities of volatile inflammable liquids as are reasonably necessary to conduct said courses; provided, that no such permit shall be issued hereunder if, in the opinion of the fire commissioner, the keeping, storage or maintenance of such motor vehicles, motors, engines and automotive equipment and the keeping, storage or use of volatile inflammable liquids would constitute a fire or explosion hazard. Permits granted hereunder shall be in accordance with and subject to such terms and conditions as the fire commissioner may prescribe, and shall expire on the thirty-first day of August following the date of issue or on such other date as may be specified therein.

Any permit issued under the provisions of this section shall be in lieu of any other permit that may be required by the provisions of any law, ordinance, rule or regulation with respect to the keeping, storage or maintenance of motor vehicles, motors, engines or other automotive equipment or to the keeping, storage or use of volatile inflammable liquids, and no school building wherein motor vehicles are kept, stored or maintained as provided by this section shall be deemed to be a garage for the purposes of any law, ordinance, rule or regulation pertaining to garages in the city.

#### Historical Note

St. 1943 c. 351 §1

### §35

#### FREE SCHOOL LUNCHES

The school committee is hereby authorized to provide free lunches for undernourished and needy children attending the public schools.

#### Historical Note

St. 1943 c. 256

### §36

#### INCORPORATION

The school committee is hereby made a corporation by the name of The School Committee of the City of Boston, and the committee and its successors in office elected according to law in the city shall continue a body corporate for the purposes hereinafter set forth, with all the

powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

The corporation shall have authority to receive and hold all sums of money, and real and personal estate not exceeding in the aggregate the value of two hundred thousand dollars, which may be given, granted, bequeathed or devised to it for the benefit of the teachers in the public schools of the city of Boston or their families, requiring charitable assistance, or for the benefit of any persons or the families of any persons who have formerly been such teachers, requiring charitable assistance, or for the purpose of purchasing books, pictures or other educational material for the various classes in such schools and clothing for any needy pupil or pupils attending any class in any school district or districts. It shall have power to manage and dispose of the same according to its best discretion and to execute any and all trusts according to the tenor thereof which may be created for the purposes aforesaid.

The corporation shall likewise be entitled to receive from the members of the school committee within the present limits of that part of the city of Boston which was formerly the city of Charlestown, the fund known as the Charlestown School Trust Fund, and shall hereafter manage said fund and disburse the income thereof within the limits of the former city of Charlestown according to the tenor of the instruments creating said trust.

The corporation shall take and hold all property hereafter given to it for lectures and other educational purposes, including the property left by Robert C. Waterston, late of Boston, to be known as the Teachers' Waterston Fund; and, conforming to the directions of the givers thereof, shall manage and dispose of all said property or the income thereof according to its best discretion, for the purposes aforesaid.

#### Historical Notes

St. 1877 c. 53 §§1-3

St. 1900 c. 235

St. 1902 c. 262

St. 1931 c. 100 §1

## TITLE 16

## CHARITABLE INSTITUTIONS

Chap.		Sec.
1	George Robert White Fund . . . . .	1
3	Franklin Technical Institute . . . . .	100
5	Old South Association . . . . .	200
7	Trustees of Charitable Donations for Inhabitants of Boston . . . . .	250

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Chapter 1 - George Robert White Fund  
(Prepared by Alison Chalmers, Legal Assistant)

Sec.	
1	Transfer of City Lands to White Fund
2	Fees for Admission to White Fund Projects
3	Fee for Use of Charlesbank Recreation Center

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§1 TRANSFER OF CITY LANDS TO WHITE FUND

Any land heretofore or hereafter acquired in fee by the city by tax title foreclosure and any land, including park land, heretofore or hereafter acquired in fee by the city by eminent domain or by purchase, gift, devise or otherwise may, if the board of trustees of the fund established by article fourteenth of the will of George Robert White and known as the George Robert White Fund so requests and the board or officer having charge of the land so recommends, be transferred for the fair cash value thereof by vote of the city council, subject to the provisions of its charter, to the fund to be held thereafter for the purposes of said article fourteenth; provided, that such transfer shall be null, void and of no effect if within thirty days after the approval by the mayor of the vote of the city council the George Robert White Fund does not pay to the city the fair cash value as fixed by said vote; and provided, further, that no such transfer shall be valid if it is in violation of any term or condition of the city's estate in the land.

Historical Note

St. 1947 c. 542 §1

§2 FEES FOR ADMISSION TO WHITE FUND PROJECTS

Upon the construction or erection and establishment by the city, acting by and through the board of trustees of the George Robert White Fund and under and in accordance with the provisions of article fourteenth of the will of George Robert White, of any work of public utility and beauty



for the use and enjoyment of the inhabitants of the city, the city, acting by and through the head of the department in whose charge and control the same shall be placed, if permissible under the provisions of the will, may, in connection with any demonstration, lecture, athletic contest or athletic or other exhibition therein, charge a fee for admission thereto; provided, that the aggregate amount of such fees charged at any such work in any fiscal year shall not exceed the expense of the care and maintenance thereof during such year. Such fees shall be applied by the city only toward meeting the expense of care and maintenance.

Historical Note

St. 1937 c. 111 §1

§3

FEE FOR USE OF CHARLESBANK RECREATION CENTER

Upon the completion of the improvement and construction of the Charlesbank authorized by section 1 of chapter 585 of the acts of 1941, the city, acting by and through its parks and recreation department, may, to the extent permitted under the provisions of the will of George Robert White, charge a fee for the use of any services or facilities furnished in connection therewith, except that no fee shall be charged for the use of the beach; provided, that the aggregate amount of such fees charged in any fiscal year shall not exceed the estimated expense of the care and maintenance thereof during such year. Such fees shall be applied by the city only toward meeting the expense of the care and maintenance of the beach and recreation center.

Historical Note

St. 1941 c. 585 §2

Chapter 3 - Franklin Institute of Boston  
(Prepared by Noel R. Bartsch, Assistant Corporation Counsel)

Sec.

- 100 Authorization to Maintain
- 101 Incorporation
- 102 Degree-Granting Powers

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§100 AUTHORIZATION TO MAINTAIN

The city is hereby authorized to maintain an institution similar to the Cooper Union in the city of New York, to be known as Franklin Institute of Boston, and to pass ordinances for the maintenance and management thereof.

Historical Notes

- St. 1905 c. 448 §1
- St. 1941 c. 212

Notes of Decisions

The Franklin fund had its origin in the codicil to the will of Benjamin Franklin. Boston v. Curley 276 Mass. 549. A part thereof has been expended to establish Franklin Institute of Boston. The remainder is to be accumulated until 1991 at which time part is to be placed at the disposition of the inhabitants of Boston and part at the disposition of the inhabitants of the Commonwealth. In 1958 the legislature endeavored to terminate the second stage and pay the proceeds to The Franklin Foundation for the benefit of the Franklin Technical Institute. St. 1958 c. 596. The Supreme Judicial Court held that the testator's intent could not be so defeated. Franklin Foundation v. Attorney General 340 Mass. 207.

§101 INCORPORATION

(a) There is a corporation by the name of The Franklin Foundation; and they and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities, not inconsistent with the terms of said codicil, which are conferred and prescribed by all general laws now or hereafter in force relating to such corporations.

(b) The members of the corporation shall be the mayor of the city of Boston for the time being, the ministers for the time being of the oldest Episcopalian, Congregational, and Presbyterian churches in Boston, and eight other persons of the class designated in said codicil. If at any time any vacancy occurs from any cause in the office of an appointive member, it shall be the duty of said corporation to apply by petition to said court to fill such vacancy; and in such case the appointee or appointees of said court shall become members of said corporation.

(c) Any of said eight members may be removed by said court for any cause for which any members of the board of managers of said gift might be removed.

(d) The city of Boston shall use said corporation as its exclusive agent in administering Franklin's gift; and said corporation shall, on behalf of the city, have the sole care, custody, management and control of the institution established from Franklin's gift and known originally as the Franklin Union and after the passage of chapter 212 of the acts of 1941 as the Franklin Technical Institute, and since July 1, 1961, Franklin Institute of Boston, as an independent industrial school. Said corporation shall appoint and fix the compensation of such instructors, officers and subordinates as it may think necessary for the proper management and operation of the institution, and may remove the same; and may fix and, anything in section 53 of chapter 44 of the General Laws to the contrary notwithstanding, may collect in its own name and for its own account tuition and other charges in connection with said institution and expend the same for the benefit thereof. The corporation shall also expend any money or estate, and the income of any fund, heretofore or hereafter given to the city or the corporation for the benefit of the institution, such expenditures to be made by the corporation in conformity with the will, deed of gift, or other legally expressed purpose of the donor, so far as the same may legally be done. The corporation shall also have control and charge of the expenditure of all moneys appropriated by the city for the institution. In incurring liabilities to be discharged from funds, other than trust funds, of the city, and in expending sums appropriated by the city, the corporation shall be subject to all applicable statutes and ordinances in like manner as board or officer of the city; but otherwise no statute or ordinance regulating the incurring of liabilities, the inviting of bids, the making of contracts, the payment of pay rolls, bills or claims, or the expenditure of money by such a board or officer shall apply to the corporation.

Anything in chapter 212 of the acts of 1941 to the contrary notwithstanding, the corporation may, by a vote of two thirds of its members at a meeting duly called for the purpose, change the name of the aforesaid institution established from Franklin's gift; provided, that the word "Franklin" shall not be stricken from such name.

(e) The corporation shall have power to hold the legal title to and invest and reinvest any real or personal estate at any time given, granted, bequeathed or devised to and accepted by it for the maintenance, extension or otherwise for the benefit of the aforesaid institution, and also any tuition or other income received by it from the operation of the institution.

(f) The corporation shall also have the custody, management, and control of that part of Franklin's gift which is now accumulating for the second hundred years under the terms of the codicil; but the legal title thereof shall continue to be in the city of Boston. The corporation shall, in so far as the terms of the gift permit, have like powers with respect to the custody, management and control of any and all other funds heretofore given to the corporation or its predecessor the board of managers of the Franklin Fund for the accomplishment of any public purpose for the benefit of the inhabitants of the city of Boston, and also of any and all funds that may hereafter be given to the corporation for such purposes; and the corporation shall have power to accept any and all such funds without any other or further action by the city.

(g) The legal title to the property now constituting the Franklin Union, and to that part of said gift which the present managers of the same have appropriated and set apart to be laid out in the establishment of said Franklin Union, and the legal title to any fund or other property



already given to the city of Boston, for the establishment, maintenance, or benefit of said Franklin Union, shall remain in the city.

(h) If after the completion, equipment, and furnishing of the Franklin Union, any surplus remains over of that part of Franklin's gift now available to be laid out under the terms of said codicil, the corporation may invest the same and apply the income thereof toward the maintenance of the Franklin Union, the legal title to the surplus to remain in the city.

#### Historical Notes

St. 1908 c. 569

St. 1927 c. 40

St. 1953 c. 77

## §102

### DEGREE-GRANTING POWERS

The corporation shall have the power to grant the degree of associate in science, the power to grant the degree of associate in engineering, the power to grant the degree of bachelor of science, the power to grant the degree of bachelor of engineering, the power to grant the degree of master of science, and the power to grant the degree of master of engineering, as the Corporation, by a vote of two thirds of its members at a meeting duly called for the purpose, shall accept.

No vote including in the name of the aforesaid institution the term "junior college", "college" or "university", nor any vote accepting one or more of the aforesaid degree granting powers shall be effective until approved by the board of collegiate authority after like investigation, notice and hearing as in the case of articles of amendment referred to said board under section 30 of chapter 69 of the General Laws.

#### Historical Notes

St. 1908 c. 569 §2

St. 1953 c. 77

St. 1957 c. 119

Chapter 5 - Old South Association  
(Prepared by Alison Chalmers, Legal Assistant)

Sec.

200	Incorporation of Old South Association
201	Powers and Duties of Corporation
202	Board of Managers
203	Use of Old South Meetinghouse
204	Exemption from Taxation

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§200      INCORPORATION OF OLD SOUTH ASSOCIATION

The governor of the Commonwealth, the mayor of the city of Boston, the president of Harvard College, the president of the Massachusetts Historical Society, the president of the American Antiquarian Society, and the president of the New England Historic-Genealogical Society, ex officiis, and William Gaston, John Lowell, Samuel E. Sewall, Edmund Quincy, Samuel A. Green, Henry Lee, Martin Brimmer and John D. Long, and their associates and successors, are hereby made a body corporate by the name of the Old South Association in Boston, for the purpose of acquiring and holding the Old South Meeting-House in Boston and the land under and adjacent to the same upon the corner of Milk Street and Washington Street in the city, for public, historical, memorial, educational, charitable and religious uses and none other, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter 68 of the General Statutes and acts in addition thereto.

Historical Note

St. 1877 c. 222 §1

§201      POWERS AND DUTIES OF CORPORATION

The corporation shall have the power to take and appropriate to the uses of the corporation, the meeting-house and land or any interest therein: provided, that in case it shall exercise said power, it shall within sixty days from the time of the taking and appropriation, file in the registry of deeds for the county of Suffolk a description of the premises so taken as certain as is required in a common deed of conveyance of land; and any party aggrieved thereby shall have the right to apply for a jury to assess the damages sustained by him, in the manner and with the effect provided in section 79 of chapter 43 of the General Statutes, and upon the payment of all damages so assessed to the parties entitled thereto, or upon the failure to apply for a jury during the time limited by law, the title to the meeting-house and land shall vest in the corporation. And the corporation shall also have power, until the foregoing powers are exercised, to take a lease of the meeting-house and land, or the interest so taken, and hold the same thereunder for the purposes aforesaid.

Historical Note

St. 1877 c. 222 §1

## §202 BOARD OF MANAGERS

The officers of the corporation shall consist of a board of managers, the number of which shall be fixed by the by-laws, and of which the six first named in section 200 shall be members ex officiis, and two shall be elected annually by the city council, and the rest shall be elected by the members of the corporation; and the managers shall elect one of their number president, and shall also elect a secretary and a treasurer. All officers shall hold over until others are chosen in their stead. New members may be admitted in such manner as the by-laws shall provide.

## Historical Note

St. 1877 c. 222 §2

## §203 USE OF OLD SOUTH MEETING-HOUSE

The corporation may make contracts with the Commonwealth for the use of the meeting-house for the annual election sermon, and with the Commonwealth or the city of Boston for its use for any public purposes not inconsistent with the provisions of chapter 222 of the acts of 1877.

## Historical Note

St. 1877 c. 222 §3

## §204 EXEMPTION FROM TAXATION

The meeting-house and land shall be exempt from taxation while the meeting-house shall be used for any of the purposes aforesaid.

## Historical Note

St. 1877 c. 222 §4



Chapter 7 - Charitable Donations for Inhabitants of Boston  
(Prepared by Noel Bartsch, Assistant Corporation Counsel  
and Alison Chalmers, Legal Assistant)

Sec.

- 250 Trustees of Charitable Donations  
                                   John Boylston's Charitable Donations  
 251 Trustees of John Boylston's Charitable Donations

§250 TRUSTEES OF CHARITABLE DONATIONS

Notwithstanding the abolition of the board of overseers of the public welfare in the city of Boston by section 79 of chapter 658 of the acts of 1967, the body politic incorporated on April twenty-five, 1772, by the name of the Overseers of the Poor of the Town of Boston and later known as The Overseers of the Poor in the City of Boston under chapter 128 of the acts of 1864 and on the effective date of said section 79 known as The Overseers of the Public Welfare in the City of Boston under chapter 146 of the acts of 1921 shall be deemed to have continued or, if it has ceased to exist, is hereby revived and continued, and shall hereafter be known as the Trustees of Charitable Donations for Inhabitants of Boston and as such shall continue to hold and possess all the property, and be entitled to all the rights and privileges, including those conferred by chapter 183 of the acts of 1868, and be subject to all the duties, liabilities and obligations which on the effective date of said section 79 belonged or appertained to said corporation, including the faithful administration and execution of all the trusts, bequests, legacies, endowments and charities confided to them, which have been heretofore, or shall hereafter be, accepted by them.

The corporation shall consist of twelve residents of the city, appointed by the mayor. The members initially appointed under chapter 368 of the acts of 1970 shall serve, according to the provisions of their respective appointments for terms expiring, in the case of four members, one year, in the case of four other members, two years, in the case of the four other members, three years, from May the first, 1970. As the term of any such member, or of any subsequent member, expires, his successor shall be appointed by the mayor for a term of three years. Any vacancy in the office of a member shall be filled by the mayor for the unexpired term.

Historical Notes

As part of the reorganization of the Administration of the Public Welfare System of Massachusetts, the Overseers of the Public Welfare in the City of Boston was abolished. St. 1967 c. 658 §79, G.L. c.18. For historical background concerning the Overseers of the Public Welfare and its predecessors, see the statutes listed below.

Province Laws, 1772 Chapter 20 §1  
 St. 1803 February 3  
 St. 1862 c. 204  
 St. 1864 c. 128 §§1,2  
 St. 1875 c. 73  
 St. 1921 c. 146  
 St. 1970 c. 368

John Boylston's Charitable Donations

§251

## TRUSTEES OF JOHN BOYLSTON'S CHARITABLE DONATIONS

Notwithstanding the abolition described in section 250, the body politic incorporated on February the third, 1803, by the name of The Trustees of John Boylston's Charitable Donations for the Benefit and Support of Aged Poor Persons and of Orphans and Deserted Children shall be deemed to have continued or, if it has ceased to exist, is hereby revived and continued and as such shall continue to hold and possess all the property, and be entitled to all the rights and privileges, including those conferred by chapter 183 of the acts of 1868, and be subject to all the duties, liabilities and obligations which on the effective date of section 79 of chapter 658 of the acts of 1967 belonged or appertained to said corporation, including the faithful administration and execution of all the trusts, bequests, legacies, endowments and charities confided to them. The corporation shall consist of the persons who from time to time constitute the Trustees of Charitable Donations for Inhabitants of Boston.

## Historical Notes

As part of the reorganization of the Administration of the Public Welfare System of Massachusetts, the Overseers of the Public Welfare in the City of Boston was abolished. St. 1967 c. 658 §79, G.L. c. 18. For historical background concerning the Overseers of the Public Welfare and its predecessors, see the statutes listed below.

Province Laws, 1772 Chapter 20 §1

St. 1803, February 3

St. 1862 c. 204

St. 1864 c. 128 §§1,2

St. 1875 c. 73

St. 1921 c. 146

St. 1970 c. 368

## Cross Reference

G.L. c. 18 §79

Page 1

1941

The first of the two main groups of the population of the United States is the white race. This group is the most numerous and the most influential. It is the group that has the most power and the most influence. It is the group that has the most money and the most property. It is the group that has the most education and the most culture. It is the group that has the most power and the most influence. It is the group that has the most money and the most property. It is the group that has the most education and the most culture.

The second of the two main groups of the population of the United States is the colored race. This group is the least numerous and the least influential. It is the group that has the least power and the least influence. It is the group that has the least money and the least property. It is the group that has the least education and the least culture. It is the group that has the least power and the least influence. It is the group that has the least money and the least property. It is the group that has the least education and the least culture.



## TITLE 17

## MISCELLANEOUS PUBLIC BUILDINGS

Chap.		Sec.
1	Boston City Hall and the Boston Government Center Commission . . . . .	1
3	Auditorium Commission . . . . .	50
5	Boston Arena Authority . . . . .	100

Chapter 1 - Boston City Hall and the Boston Government Center Commission  
 (Prepared by Norman C. Ross, Assistant Corporation Counsel)

Sec.	
1	Acquisition of Site for City Hall
2	Limitation on Section One
3	Membership and Appointment of Commission
4	Powers and Duties of Commission
5	Bonds (1958)
6	Additional Bonds (1964)
7	Further Additional Bonds (1967)

Pursuant to section 3, below, the Government Center Commission was to dissolve upon the "completion of the construction" of the city hall. However, although the building is presently occupied, because of litigation now pending on the very question of whether or not the contractor completed the building, the Commission considers itself still to be in existence.

There is also a State Government Center Commission. St. 1960 c. 633 as amended by St. 1969 c. 766 §§46,47; St. 1971 c. 116 §§43,44; St. 1972 c. 300 §§41,42.

## §1 ACQUISITION OF SITE FOR CITY HALL

The Boston Redevelopment Authority is hereby authorized to convey to the city of Boston, with or without consideration, a suitable site for a new city hall for the city; and the city is hereby authorized to acquire by purchase or gift from the authority or otherwise or to acquire by eminent domain under chapter 79 or chapter 80A of the General Laws from said authority or otherwise, such site and to construct and maintain thereon such new city hall. The city is hereby further authorized to assume in acquiring the whole or any part of such site from the authority any and all obligations imposed by or under section 26LL of chapter 121 of the General Laws.

### Historical Note

St. 1958 c. 624 §1

## §2 LIMITATION ON SECTION ONE

The provisions of section one relative to takings by eminent domain shall not apply to the location or site known as the Boston Retail Market situated within the area bounded by Blackstone street, Union street, North street, and Haymarket square in the city.

## Historical Note

St. 1959 c. 577

## §3 MEMBERSHIP AND APPOINTMENT OF COMMISSION

Until the completion of the construction of such new city hall, there shall be in the city a board, known as the Government Center Commission consisting of the director of administrative services of the city, the chairman of the city planning board, and the commissioner of public works of the city, ex officiis, and four other members appointed by the mayor of the city, as follows: -- one from three candidates nominated by the Associated General Contractors of Massachusetts, Inc., one from three candidates nominated by the Building Trades Council of Boston and Vicinity, one from three candidates nominated by The Boston Society of Architects, and one selected at large by the mayor. Any vacancy in the office of any appointive member shall be filled in the same manner as the original appointment.

The member appointed by the mayor upon selection at large shall be chairman of the Government Center Commission. The commission shall elect one of its members as vice chairman, and shall also elect a secretary, who need not be a member of the commission. The members of the Government Center Commission shall serve without compensation but shall be reimbursed for their traveling and other necessary expenses incurred in the performance of their duties.

## Historical Note

St. 1958 c. 624 §2 (See Introduction to this Chapter)

## §4 POWERS AND DUTIES OF COMMISSION

The Government Center Commission created by section 3 shall have the power and duty to acquire in the name and behalf of the city by purchase or gift from the authority or otherwise or to request the public improvement commission of the city to so acquire by eminent domain under said chapter 79 or 80A from the authority or otherwise, a suitable site for a new city hall for the city, and, in acquiring the whole or any part of such site from the authority, to assume in the name of the city any and all obligations imposed by or under the aforesaid section 26LL. Subject to the provisions of section 44A to 44L, inclusive, of chapter 149 of the General Laws and the provisions of section 6 of chapter 418 of the acts of 1890, as respectively amended, the Government Center Commission shall also have the power and duty to contract in the name and behalf of the city for the preparation of such site and the planning and construction thereon and the original equipping and furnishing of such new city hall.

## Historical Notes

St. 1958 c. 624 §3

St. 1959 c. 403 §1

## §5 BONDS (1958)

For the purposes of this chapter the city may from time to time borrow not exceeding, in the aggregate, twenty million dollars and issue and sell at public sale serial bonds or notes of the city therefor which shall be registered or with interest coupons attached as the collector-treasurer of the city may deem best. Such bonds or notes shall bear on their face the words: -- City of Boston, New City Hall Loan, Act of 1958. Each issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates. Debt incurred from time to time under authority of this chapter shall not be included in determining the limit of indebtedness of the city as established by law but shall, except as herein provided, be subject to the provisions applicable to the city of chapter 44 of the General Laws, exclusive of the limitation contained in the first paragraph of section 7 thereof but including the provisions of section 17 thereof relative to temporary loans in anticipation of the issue of bonds or notes.

## Historical Note

St. 1958 c. 624 §4

## §6 ADDITIONAL BONDS (1964)

To provide for the purposes of this chapter funds in addition to the funds provided by section 5, the collector-treasurer of the city, without further authority than that contained in this section, shall borrow from time to time, as requested by the Government Center Commission created by section 3, sums not exceeding, in the aggregate, five million dollars, and may issue bonds and notes of the city therefor, which shall bear on their face the words, City of Boston, New City Hall Loan, Act of 1964. Each issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates. Debt incurred from time to time under authority of this section shall not be included in determining the limit of indebtedness of the city as established by law but shall, except as herein provided, be subject to the provisions applicable to the city of chapter 44 of the General Laws, exclusive of the limitation contained in the first paragraph of section 7 thereof, but including the provisions of section 17 thereof relative to temporary loans in anticipation of the issue of bonds or notes.

## Historical Note

St. 1964 c. 516 §1

## §7 FURTHER ADDITIONAL BONDS (1967)

To provide for the purposes of this chapter, funds in addition to the funds provided by sections 5 and 6, the city may borrow, from time to time, not exceeding in the aggregate under this section one million dollars, and may issue and sell at public sale serial bonds or notes of the city therefor, which shall be registered or with interest coupons attached as the collector-treasurer of the city may deem best. Such bonds or notes shall bear on their face the words, City of Boston, New City Hall Loan, Act of 1967. Each issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates. Debt incurred from time to time under authority of this section shall not be included in determining the limit of indebtedness of the city as established by law but shall, except as herein provided, be subject to the provisions applicable to the city of chapter 44 of the General Laws, exclusive of the limitations contained in section 7 thereof, but including the provisions of section 17 thereof relative to temporary loans



in anticipation of the issue of bonds or notes.

Historical Notes

St. 1958 c. 624

St. 1964 c. 516 §1

St. 1967 c. 677

Chapter 3 -- Auditorium Commission  
( Prepared by Peter Koff, Assistant Corporation Counsel)

Sec.

50 Authorization to Maintain

## § 50 AUTHORIZATION TO MAINTAIN

The city of Boston is hereby authorized and empowered to construct, operate and maintain at a convenient location in the city a municipal auditorium with an exhibition hall, assembly hall and accessory rooms suitable for exhibitions, conventions and other shows and gatherings in the city. Not exceeding five offices or positions in the service of the board or officer having the care, custody and control of such auditorium shall be exempt from the civil service law and rules.

## Historical Notes

St. 1954 c. 164

St. 1965 c. 438

## Cross References

St. 1957 c. 718

St. 1960 c. 466

St. 1964 c. 516

Chapter 5 -- Boston Arena Authority  
(Prepared by Norman C. Ross, Assistant Corporation Counsel)

Repealed by St. 1974 c. 806 §20. See also St. 1974 c. 806 §21.



## TITLE 18

## SUFFOLK COUNTY

Chap.

Sec.

1	Suffolk County Court House Commission . . . . .	1
3	Suffolk County - To be included upon completion . . . . .	100

Chapter 1 - Suffolk County Court House Commission  
(Prepared by Alison Chalmers, Legal Assistant)

Sec.

1	Suffolk County Court House Commission
2	Payments by Commonwealth and City of Court House Costs and Charges
3	Authority to Locate Concession Stand in Old Court House Lobby

§1

## SUFFOLK COUNTY COURT HOUSE COMMISSION

The care, custody and control of the Suffolk county court house shall be in a commission, to consist of a person to be appointed by the chief justice of the supreme judicial court for a five year term, the sheriff of Suffolk county and a person to be appointed by the governor, with the advice and consent of the council, for a five year term. The commission shall appoint a custodian and such other officers as it may deem necessary, determine their term or terms of service, and may remove them and appoint others in their place. The compensation of such custodian and other officers shall be fixed by the commission, and shall be paid by the city of Boston, subject to the provisions of section 2 and subject also to the pertinent provisions of 48 through 56, inclusive, of chapter 35 of the General Laws, as inserted by section 5 of chapter 400 of the acts of 1930, and as amended.

## Historical Notes

St. 1885 c. 377

St. 1894 c. 453 §1

St. 1922 c. 525

St. 1939 c. 383

## Cross Reference

G.L. c. 35 §§48-56

§2

## PAYMENTS BY COMMONWEALTH AND CITY OF COURT HOUSE COSTS AND CHARGES

From the time when the enlargement and improvement[of the Suffolk county court house provided for in sections 1 through 5 of chapter 474 of the acts of 1935] shall be substantially completed

and actual use of the same shall begin the commonwealth shall contribute annually, at such time and in such amounts as the state treasurer shall from time to time find convenient, with the approval of the council, thirty per cent of the annual costs and charges of maintenance and operation of the Suffolk county court house taken as a whole, and the remaining seventy per cent shall be paid by the city of Boston.

Historical Note

St. 1935 c. 474 §6

Cross Reference

G.L. c. 35 §§48-56

§3

AUTHORITY TO LOCATE CONCESSION STAND IN OLD COURT HOUSE

Notwithstanding any provision of law to the contrary, the commission established under section 1 of chapter 383 of the acts of 1939 [Suffolk county court house] may rent, lease or permit a concession stand to be located in the lobby of the old court house of Suffolk county, located in Pemberton square in the city of Boston; provided, however, that said concession stand be owned and operated by a disabled and handicapped veteran.

Historical Note

St. 1953 c. 99

Cross Reference

G.L. c. 6 §§133,134 (Authorizing vending stands in public buildings operated by blind persons, requiring purchase of articles made by blind persons for use in state and public institutions.)

Chapter 3 -- Suffolk County

To be Included upon Completion











## ORDINANCES

The Official Text of the  
ORDINANCES  
of the  
CITY OF BOSTON  
including all  
of the Ordinances of 1975

Passed by the City Council  
September 15, 1975

Approved by the Mayor  
September 18, 1975

EFFECTIVE ON  
SEPTEMBER 18, 1975

CITE AS  
City of Boston Code, Ordinances, Title \_\_\_, section \_\_\_\_.  
[CBC Ord. \_\_\_ § \_\_]

#### ATTESTATION

I hereby certify, subject to the qualification contained in the explanation to this Code, that this volume contains a true copy of the City of Boston Code, Ordinances, as enacted by chapter 7 of the Ordinances of 1975, passed by the City Council on September 15, 1975, and approved by the Mayor and made effective on September 18, 1975, and that this volume includes all of the Ordinances of 1975.

Attest:

Joseph M. Dunlea, City Clerk

\_\_\_\_\_, 19 \_\_\_\_

## TITLE 1

## GENERAL PROVISIONS

Chap.		Sec.
1	Definitions and Rules of Construction . . . . .	1
	Protocol	
3	Repeals - Chapter Reserved for New Legislation When Code Enacted . . .	100

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Chapter 1 -- Definitions and Rules of Construction

Sec.	
1	Definitions and Rules of Construction <u>Protocol</u>
2	City Seal
3	Municipal Standard and City Flag
4	City Colors
5	Displaying Flag on City Hall and Boston Common
6	Further Uses of Flag
7	Prohibitions on Use of Flag
8	Penalties
9	Custodian
10	Display of United States Flag
11	City Automobiles
12	Control of Rooms in City Hall

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§1 DEFINITIONS AND RULES OF CONSTRUCTION

The following rules of construction shall be observed for this and every other ordinance, unless inconsistent with the manifest intent of the city council or the context of the ordinance:

First. The repeal of an ordinance shall not revive an ordinance in force before, or at the time when, the ordinance repealed took effect.

Second. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution, or proceeding pending at the time of the repeal, for a violation of such ordinance.

Third. Words importing the singular shall include the plural, words importing the plural shall



include the singular, and words importing the masculine gender shall include women and boards.

Fourth. The word "street" shall include all public ways, alleys, lanes, courts, and sidewalks, and those parts of public squares and places which form travelled parts of highways.

Fifth. The words "public grounds" shall include the common and public garden, the public lands under the charge of the parks and recreation department, and those parts of public squares and places which do not form travelled parts of highways.

Sixth. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, or joint tenant, of the whole or of a part of such building or land.

Seventh. The word "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, either alone or with others.

Eighth. The word "person" shall include firms and corporations.

Ninth. The word "officer" shall include officers and boards in charge of departments and the members of such boards; and the word "subordinate" shall include all assistants, deputies, and employees appointed by an officer.

Tenth. The words "Faneuil-Hall market" shall include the lower floors, porches, and cellar of the building called "Faneuil Hall."

Eleventh. The words "Faneuil-hall market limits" shall include Faneuil-hall market as above defined, and the territory included within the following boundary, viz.: Beginning in the northerly line of North Market street extended, at a point thirty-five feet distant westerly from the sidewalk on the easterly side of Commercial street; thence parallel with and thirty-five feet distant westerly from said sidewalk, to a line thirty-five feet distant northerly from the sidewalk on the southerly side of South Market street extended; thence by a line parallel with and thirty-five feet distant northerly from said sidewalk to Merchants row; thence diagonally across Merchants row to the nearest point in a line twenty feet distant northerly from the sidewalk on the southerly side of Faneuil Hall square; thence by a line parallel with and twenty feet outside of the sidewalk of said square and North Market street to Merchants row; thence diagonally across said Merchants row to the northeast corner of said Merchants row and North Market street; thence by the northerly side of said North Market street to the point of beginning; but excluding any territory which is the subject of that certain redevelopment agreement made as of May 21, 1974, by and between the Boston Redevelopment Authority and Faneuil Hall Marketplace, Inc.

Twelfth. The words "Market limits," without any words of limitation preceding them, shall include the territory bounded as follows: Beginning at the southerly corner of Atlantic avenue and State street; thence running west by the southerly line of State street to India street; thence north to the centre line of State street; thence west by the centre line of State street to the line of the curbstone on the easterly side of Commercial street produced to the centre line of State street; thence north by the line of the curbstone on the easterly side of Commercial street produced to the centre of State street to a point in the curbstone on the easterly side of Commercial street opposite the corner of said street and State street; thence west across Commercial street to the westerly corner of Commercial street and State street; thence north by the westerly line of Commercial street to Chatham street; thence west by the southerly line of Chatham street and by said line produced to the westerly line of Merchants row; thence north by the westerly line, west by the southerly line, and again north by the westerly line of Merchants Row to Faneuil Hall square; thence west by the southerly line and north by the westerly line of Faneuil Hall square to Dock square; thence west by the southerly line of Dock square to Exchange street; thence north by the easterly line of Exchange street produced across Dock square; thence north by the westerly line of Dock square and across Elm street to the corner of Elm and Union streets; thence north by the westerly line of Union street to the southerly corner of Friend and Union streets; thence east across Union street to the corner of Union and North streets; thence east by the northerly line and northeast by the northwesterly line of North street to Blackstone street; thence northwest by the southwesterly line of Blackstone street to Haymarket square; thence north across Blackstone street

to the corner of Cross and Blackstone streets; thence southeast by the northeasterly line of Blackstone street to the corner of Blackstone and North streets; thence northeast by the northwesterly line of North street to the northeasterly corner of North and Richmond streets; thence crossing North street, southeast by the northeasterly line and east by the northerly line of Richmond street to the northerly corner of said street and Atlantic avenue; thence east by the northerly line of Richmond street produced across Atlantic avenue to the easterly side thereof; thence south by the easterly line of Atlantic avenue to the northerly corner of said avenue and India Wharf; thence west across Atlantic avenue to the northerly corner of said avenue and India street; and thence north by the westerly line of Atlantic avenue to the point of beginning. All said Faneuil-hall market limits are shown in red, and said Market limits are shown in blue, on a plan numbered L-2826 and marked: "Faneuil Hall Market Limits and Market Limits in the City of Boston, February 16, 1897, William Jackson, City Engineer," and filed in the office of the commissioner of public works; but excluding any territory which is the subject of that certain redevelopment agreement made as of May 21, 1974, by and between the Boston Redevelopment Authority and Faneuil Hall Marketplace, Inc.

Thirteenth. Words purporting to give a joint authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

Fourteenth. Words prohibiting anything from being done, except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

#### Historical Notes

Fifth: Ord. 1954 c. 2 §1

Ninth: Ord. 1953 c. 8 §1

Tenth: Ord. 1974 c. 15 §1

Eleventh: Ord. May 18, 1866, Ord. 1974 c. 15 §2

Twelfth: St. 1896 c. 376, St. 1907 c. 584, Ord. 1954 c. 2 §1, Ord. 1974 c. 15 §3

Rev. Ord. 1961 c. 1 §1

Ord. 1974 c. 15

#### Protocol

§2

#### CITY SEAL

The seal of the city shall be circular in form, shall bear a view of the city, the motto SICUT PATRIBUS, SIT DEUS NOBIS, and the inscription, BOSTONIA CONDITA AD. 1630. CIVITATIS REGIMINE DONATA AD. 1822, as herewith shown.

#### Historical Notes

Ord. January 2, 1823

Rev. Ord. 1961 c. 1 §5



§3

#### MUNICIPAL STANDARD AND CITY FLAG

The municipal standard of the city of Boston, which is hereby established, shall be made of silk of the colors designated, namely: Continental blue and buff, and shall be five feet in length and three and one half feet in width, or in proportion thereto. Provided, that a city flag of like design and colors may be made of bunting for outdoor display, the size of such bunting flag to depend upon the place of display. The body of the standard shall be blue, as specified, with the official city seal embroidered in the center; and two rings of white shall encircle the seal. The reverse of the municipal standard shall bear a representation of the Trimountain. The city flag shall have

no reverse except the seal showing through the bunting, the seal to be painted on or woven in the fabric. The municipal standard shall have a fringe of Continental buff; the city flag to be without fringe.

Historical Notes

Ord. 1916 c. 8

Rev. Ord. 1961 c. 1 §6

§4 CITY COLORS

The colors herein specified shall be the official colors for the city of Boston, namely: Continental blue and Continental buff.

Historical Note

Rev. Ord. 1961 c. 1 §7

§5 DISPLAYING FLAG ON CITY HALL AND BOSTON COMMON

The city flag shall be displayed on city hall and may be displayed on Boston Common on occasions when the national flag is ordered displayed.

Historical Note

Rev. Ord. 1961 c. 1 §8

§6 FURTHER USES OF FLAG

The municipal standard of silk may be carried or displayed in parades, at reviews, and on other official occasions when the mayor is present and when directed by him. Boston organizations may have copies of the municipal standard on approval by the mayor.

Historical Note

Rev. Ord. 1961 c. 1 §9

§7 PROHIBITIONS ON USE OF FLAG

Neither the municipal standard nor the city flag nor any reproduction shall be used for any commercial purpose, and no advertising device shall be placed upon it or used in connection with it; and the municipal flag or standard shall not be used for any purpose not authorized by the foregoing sections, except with the permission of the mayor.

Historical Note

Rev. Ord. 1961 c. 1 §10



## §8 PENALTIES

Any person violating any provision of section 7 of this chapter shall be punished by a fine not exceeding twenty dollars for each offence, and not only the person actually doing the prohibited thing, but also his employer and every other person concerned in so doing shall be punished by such fine.

## Historical Note

Rev. Ord. 1961 c. 1 §11

## §9 CUSTODIAN

The city messenger shall be custodian of the municipal standard and of the city flag.

## Historical Note

Rev. Ord. 1961 c. 1 §12

## §10 DISPLAY OF UNITED STATES FLAG

The United States flag shall be displayed, unless the weather is unsuitable, upon the city hall on every day except Sunday, and upon the other public buildings and public places where flag poles are available on Franklin's birthday, January 17; Lincoln's birthday, February 12; Washington's birthday, February 22; Evacuation Day, March 17; Patriots' Day, April 19; Grant's birthday, April 27; Memorial Day, May 30; Flag Day, June 14; Bunker Hill Day, June 17; Independence Day, July 4; Labor Day, first Monday in September; anniversary of the settlement of Boston, September 17; Columbus Day, October 12; Veterans Day, November 11; and on such other days as the mayor or the city council may from time to time order. Whenever any of the above-named days fall on Sunday the flags shall be displayed on the following day. It shall be the duty of the assistant commissioner of real property to display the flag in accordance with this section upon the city hall and all other public buildings under his care, custody and management.

## Historical Notes

Ord. 1944 c. 2

Ord. 1953 c. 4 §3

Ord. 1954 c. 2 §79

Rev. Ord. 1961 c. 1 §13

## CITY AUTOMOBILES

All automobiles owned by the city shall be registered in its name, and shall be painted a uniform distinctive color, bearing on each side the words "City of Boston" and also a designation in words showing by which department such automobiles are used; provided, however, that the automobiles of the fire department may be painted red.

## Historical Notes

Ord. 1909 c. 9

Rev. Ord. 1961 c. 1 §14

## §12 CONTROL OF ROOMS IN CITY HALL

In the city hall the rooms used by the mayor shall be under his control; the rooms used by the city clerk shall be under his control; and the rooms used by the city council shall, except as ordered by the city council, be under the control of the president of the city council. All rooms in the city hall, the city hall annex and other public buildings, not assigned by this ordinance, may be assigned by the assistant commissioner of real property with the approval of the mayor.

## Historical Notes

Ord. 1954 c. 2 §1

Rev. Ord. 1961 c. 1 §15

## Cross Reference

Ordinances, Title 11 §253

## TITLE 2

## FORM OF GOVERNMENT

Chap.		Sec.
1	In General . . . . .	1
3	Incorporation of City . . . . .	100
5	Elections . . . . .	200
	Election Department	
	Listing of Residents and Registration of Voters	
	Nomination and Election of Elective Officials	
	Miscellaneous Provisions Relating to Elections	
7	Mayor . . . . .	350
9	City Council . . . . .	450
11	City Clerk . . . . .	550
	Registry Division	
13	City Record . . . . .	650
15	Ordinances . . . . .	750
17	Reorganization - Chapter Reserved for New Legislation When Code Enacted .	850

Chapter 1 -- In General

No Ordinances Apply. See Special Statutes.

Chapter 3 -- Incorporation of City

No Ordinances Apply. See Special Statutes.

Chapter 5 -- Election Department

Sec.	
200	Powers and Duties
201	Verification of Information Pertaining to Certain Voters
	<u>Listing Board</u>
202	Duties of Board
203	Police Assigned to Listing Board
	<u>Campaign Spending</u>
204	Limitations on Campaign Spending in City Preliminary Elections and City Elections



## §200 POWERS AND DUTIES

The election department shall be under the charge of a board of four commissioners, who shall exercise the powers and perform the duties provided by statute; and shall, in their annual report, include a statement of the number of male and female persons registered as voters in each voting precinct of the city, and the number of such persons voting at each election held during the preceding year for each person for whom votes were deposited for governor and for mayor.

## Historical Notes

St. 1895 c. 449 §§2-8

St. 1913 c. 835 §78

Rev. Ord. 1961 c. 13 §1

## §201 VERIFICATION OF INFORMATION PERTAINING TO CERTAIN VOTERS

Immediately following the registration of a voter under the Provisions of section 42 of chapter 51 of the General Laws, the Election Commission of the City of Boston shall proceed to determine whether there appears at that time to be probable cause to believe that the affiant has made a false statement in such an affidavit. Without limiting the generality of the foregoing, the Commission, or any agent of it, shall do the following:

- (a) examine the then most-recent Annual Listing of Residents, to determine whether or not the affiant is listed at the address given, and in the event the affiant is not listed,
- (b) request the affiant to produce reasonable proof of residence, satisfactory to the Election Commission or its agent, and in the event the affiant fails to produce reasonable identification, the said Commission or its agent, shall,
- (c) forthwith dispatch to the affiant by first class mail, postage prepaid, in an envelope endorsed "Address Correction Requested - Do Not Forward" a notice, informing the affiant that unless the Commission shall receive, within ten days of the date of mailing, a signed, written confirmation of receipt of said notice, by means of a card or letter which can be mailed by the affiant without the paying of postage therefor, the Commission will proceed under the provisions of Section 47B of Chapter 51 of the General Laws to determine his or her qualifications to vote.

## Historical Note

Ord. 1975 c. 14

Listing Board

## §202 DUTIES OF BOARD

The Listing Board constituted under chapter 29 of the General Acts of 1917, as amended by chapter 287 of the acts of 1938, shall, each year in the course of making a list of all dogs owned by the inhabitants of Boston pursuant to section 150 of chapter 140 of the General Laws, ascertain whether each such dog is licensed or unlicensed, and shall return such information to the police commissioner and to the dog officer or to the domestic charitable corporation from time to time performing by contract the duties of dog officer in accordance with section 151 of said chapter 140. The Listing Board or its agents shall, at the time of so ascertaining, by means of a suitable written notice inform each owner or harborer of an unlicensed dog of the penalties for harboring such dog and of the procedure for procuring a dog license. The Listing Board or its agents shall give to each owner or harborer of an unlicensed dog the form of application for a dog license that may from time to time be prescribed by the police commissioner, with as many duplicate copies of the same as may be required by the police commissioner, and shall inform each such owner or harborer of the procedure, if any, that may be from time to time established by the police commissioner for submitting such application and securing such license by mail.

## Historical Note

Ord. 1972 c. 14 §1

## Cross References

G.L. c. 140 §§150-51

Gen. Acts. 1917 c. 29

St. 1938 c. 287

Ordinances, Title 2 §200

Ordinances, Title 14 §500

## §203 POLICE ASSIGNED TO LISTING BOARD

During the conduct of the Annual Listing of Residents, except as otherwise provided by chapter 29 of the Acts of 1917, the Police Commissioner of the City of Boston shall detail to the Listing Board, two police patrolmen in each Police Division of the City of Boston who shall during the time of their detail be subject to the lawful orders of said Board.

## Historical Note

Ord. 1975 c. 9

Campaign Spending

## §204 LIMITATIONS ON CAMPAIGN SPENDING IN CITY PRELIMINARY ELECTIONS AND CITY ELECTIONS

No person being a candidate for the office of Mayor, City Councillor at Large, or School Committeeman, at any regular or special election or preliminary election, and no person acting with his leave or authority, or without such leave or authority, including but not limited to, the Treasurer or Chairman of a non-elected political committee, shall expend, cause to be expended, allow to be expended, or suffer to be expended, in the municipal year of such election, any monies in furtherance of the campaign of such a candidate, for whatever purpose, by any person, in excess of the amounts hereinafter set out, which shall be the aggregate of expenditures by all persons, under whatever color or guise, in furtherance of that campaign;

The Office of Mayor: Two Hundred Thousand Dollars;

The Office of City Councillor at Large: Twenty Thousand Dollars;

The Office of School Committeeman: Twenty Thousand Dollars.

Every dollar expended in excess of the above limitations shall be deemed to be a separate offense, and each offense shall be punished by a fine of two dollars.

For the purposes of this ordinance, the incurring of a liability for goods and services in furtherance of such a campaign shall be deemed to be an expenditure of monies equal to the amount of such liability, and it shall be deemed to have been expended on the date the liability was incurred.

The provisions of CBC Ord. 2§752 to the contrary notwithstanding, this ordinance shall be published by the action of the City Council in adopting the same, and shall take effect on the first Monday in January of the year 1976.

The provisions hereof are severable and the decision of any court of competent jurisdiction invalidating or impairing the validity of any part or portion hereof shall not be deemed to affect the validity of any remaining part or portion of this ordinance.

## Historical Note

Ord. 1975 c. 11

This ordinance should be read against Buckley v. Valeo, 44 U.S.L.W. 4127 (U.S. Jan. 30, 1976) which held Federal campaign spending limitations unconstitutional.



Chapter 7 - Mayor

Sec.

350	Appointments by Mayor
351	Appointment of Weighers, Measurers, Surveyors, or Inspectors of Certain Articles
352	Transmission of Department Reports to City Council
353	Execution of Instruments by Mayor
354	Discharge of Mortgages; and Releases by Mayor
355	Release of Conditions
356	Cancellation of Bonds
357	Mayor as Officer to Grant Certain Licenses
358	Drafts, Checks and Orders
359	Power to Close Public Buildings
360	Salary
361	Office Expenses of Mayor
362	Defining "Presentation to the Mayor"

## §350 APPOINTMENTS BY MAYOR

The mayor shall appoint heads of departments and members of municipal boards and fill vacancies therein in the manner provided by law. He shall, in the municipal year in which the term of the incumbent expires, appoint the following officers, to serve for the terms hereinafter specified:

For the term of three years, beginning with the first day of May in the year of appointment: four overseers of the public welfare.

For the term of four years, beginning with the first day of May in the year of appointment: the fire commissioner, the corporation counsel, and the penal institutions commissioner.

For the term of five years, beginning with the first day of May in the year of appointment: one trustee of the Boston public library.

## Historical Notes

Ord. 1954 c. 2 §2

Ord. 1954 c. 3 §1

Ord. 1968 c. 14 §1

Rev. Ord. 1961 (Sup. 1971) c. 2 §1

## Cross Reference

Ordinances, Title 7 §§50,100

## §351 APPOINTMENT OF WEAHERS, MEASURERS, SURVEYORS, OR INSPECTORS OF CERTAIN ARTICLES

The mayor shall annually appoint, subject to confirmation by the city council, officers to act as weighers, measurers, surveyors, or inspectors of certain articles, each for a term of one year

beginning with the first day of May in the year of appointment, who shall exercise the powers and perform the duties provided by the statutes and ordinances relating to the weighing, measuring, surveying or inspecting of such articles, shall be sworn to a faithful performance of their duties, shall be paid the fees established by law, and shall receive no compensation from the city, viz.:

One or more employees of any person, firm or corporation to be weighers of goods, who shall have no other authority than to weigh, for the benefit of their employers, all goods or materials (except beef and coal) sold or purchased by such employers in the ordinary course of business.

One or more weighers of coal, one of whom shall not be engaged in the business of selling coal;

One or more weighers of beef, who shall not be dealers in cattle;

One or more weighers of vessels and ballast, who shall not at the time of appointment or during their term of office own, or act as agent of, or have any interest in, a vessel engaged in the transportation of stone, gravel, sand or ballast, or be engaged or interested in the sale of stone, gravel, sand or ballast;

One or more measurers of wood and bark;

One or more weighers of grain;

One or more measurers of leather who have been certified by the director of standards as fit persons for such appointment;

The mayor shall annually appoint, subject to confirmation by the city council, constables for the term of one year beginning with the first day of May in the year of appointment, who shall be inhabitants of the city. Appointments of constables shall specify in each case whether the appointment is for a position connected with the city or county service to serve without bond or for the service of civil process upon the filing of the bond required by law.

The bond required in order to authorize the service of civil process by constables shall be in the sum of three thousand dollars with an incorporated surety company, approved by the collector-treasurer as surety thereon, and only such surety shall hereafter be accepted by the city council on said bonds.

#### Historical Notes

St. June 18, 1802

St. 1848 c. 308

Ord. 1931 c. 7,8,10

Ord. 1954 c. 2 §3

Ord. 1965 c. 5

Ord. 1966 c. 4

Ord. 1970 c. 6

Rev. Ord. 1961 (Sup. 1971) c. 2 §2

#### Cross References

G.L. c. 94

G.L. c. 95

G.L. c. 102

Ordinances, Title 2 §451

Ordinances, Title 6 §155

§352

#### TRANSMISSION OF DEPARTMENT REPORTS TO CITY COUNCIL

The mayor shall, upon receiving any report of a department required by the city council to be

made to him, transmit the same to the city council with such suggestions as he shall deem proper.

Historical Note

Rev. Ord. 1961 c. 2 §3

Cross Reference

Ordinances, Title 6 §6

§353 EXECUTION OF INSTRUMENTS BY MAYOR

The mayor shall countersign all notes, bonds, or scrip of the city, and may execute in its behalf all instruments to be executed by the city; but this provision shall not be construed to prevent any officer from executing any instrument in the performance of his duties.

Historical Notes

Ord. November 18, 1833

Rev. Ord. 1961 c. 2 §4

§354 DISCHARGE OF MORTGAGES; AND RELEASES BY MAYOR

The mayor may, upon payment to the collector-treasurer of the amount due on the mortgage of an estate mortgaged to the city, discharge or release the mortgage, or assign the same without recourse to the city, and may execute and deliver in behalf of the city any and all legal instruments necessary to effectuate such discharge, release or assignment.

Historical Notes

Ord. 1954 c. 2 §4

Rev. Ord. 1961 c. 2 §5

Cross Reference

Ordinances, Title 6 §155

§355 RELEASE OF CONDITIONS

The mayor may execute and deliver to any person holding land the title to which is derived under a deed given by the city and creating an estate upon condition, a deed of release, acknowledging that up to the time when such deed of release is given such condition has been fully complied with, and releasing such land from the possibility of forfeiture to the city for any breach of condition happening prior to the date of the release.

Historical Notes

Ord. July 31, 1878

Rev. Ord. 1961 c. 2 §6

§356 CANCELLATION OF BONDS

The mayor may, upon the execution of a new bond satisfactory to him, cancel, or release the



sureties on, any bond given to the city for the performance of a contract or the duties of an office.

Historical Notes

Ord. 1895 c. 4

Rev. Ord. 1961 c. 2 §7

§357

MAYOR AS OFFICER TO GRANT CERTAIN LICENSES

The mayor shall be the officer to grant licenses under chapter 538 of the Acts of 1909, entitled "An Act Relative to the Receiving of Alms in Public Places in the City of Boston," and licenses under section 33 of chapter 101 of the General Laws as amended by chapter 225 of the acts of 1970, entitled "An Act Relative to the Granting of Certain Licenses to Sell Certain Articles for Charitable Purposes."

Historical Notes

St. 1909 c. 538

Rev. Ord. 1961 c. 2

St. 1970 c. 225

Ord. 1972 c. 12

Cross References

G.L. c. 100 §33

Ordinances, Title 14 §§426, 427, 428

§358

DRAFTS, CHECKS, AND ORDERS

All drafts drawn by the city auditor upon the collector-treasurer and the form of all drafts, checks, and orders used by the city auditor, shall be subject to the approval of the mayor.

Historical Notes

Ord. December 22, 1825

Ord. 1954 c. 2 §5

Rev. Ord. 1961 c. 2 §8

Cross Reference

Ordinances, Title 6 §2

§359

POWER TO CLOSE PUBLIC BUILDINGS

The mayor may order any or all public buildings or offices to be closed for any period not exceeding one day at a time whenever he deems it expedient, and may order flags to be displayed upon public buildings at any time.

Historical Notes

Ord. December 20, 1881

Rev. Ord. 1961 c. 2 §9

## § 360 SALARY

The mayor shall be paid an annual salary of forty thousand dollars.

Historical Notes

Ord. 1967 c. 3

Rev. Ord. 1961 (Sup. 1971) c. 2 §9A

## § 361 OFFICE EXPENSES OF MAYOR

The mayor may, in the discharge of the duties of his office, incur such expenses for subordinates and other employees, for expert services not including legal services, for the entertainment of guests, and for other purposes, as he shall deem necessary or proper.

Historical Notes

Ord. 1889 c. 1

Rev. Ord. 1961 c. 2 §10

## § 362 DEFINING "PRESENTATION TO THE MAYOR"

The passage or adoption by the City Council of any order, ordinance, or resolution (except special municipal election orders adopted under section 13 of chapter 2 of the Ordinances of 1974, votes relating to the internal affairs of said council, resolutions not affecting legal rights, votes electing officials, and votes confirming appointments by the Mayor) shall constitute its presentation to the Mayor for his approval in accordance with the provisions of section 17D of chapter 452 of the acts of 1948, as amended.

Anything in section 3 of chapter 1 of the Revised Ordinances of 1961 to the contrary notwithstanding, this ordinance shall be published by the action of the city council in passing the same.

Historical Note

Ord. 1974 c.2

Chapter 9 -- City Council

Sec.

- 450 Salary of City Councillors  
451 Approval for Certain Sums  
452 City Council Personnel; Salaries
- 

## §450 SALARY OF CITY COUNCILLORS

Effective January 1, 1975, the president of the city council shall be paid an annual salary of twenty-two thousand dollars, and every other city councillor an annual salary of twenty thousand dollars.

Until January 1, 1975, the president of the city council shall continue to be paid an annual salary of thirteen thousand dollars, and every other city councillor an annual salary of twelve thousand five hundred dollars.

## Historical Notes

- Ord. 1964 c. 9  
Ord. 1968 c. 13  
Rev. Ord. 1961 (Sup. 1971) c.2A §1  
Ord. 1974 c. 12 §§1,2

## §451 APPROVAL FOR CERTAIN SUMS

Sums appropriated for the purposes of the city council shall be expended subject to the approval of the president of the city council.

## Historical Notes

- Ord. 1968 c. 11 §1  
Rev. Ord. 1961 (Sup. 1971) c. 2A §2

## Cross Reference

- Title 7 §105

## §452 CITY COUNCIL PERSONNEL; SALARIES

For the conduct of the affairs of the city council there shall be, in addition to the city clerk, a staff director, a clerk of committees, a chief of administrative services, a chief of research, a librarian, a city messenger, a receptionist and an assistant clerk of committees. Such salaries shall, except as otherwise provided by ordinance, be in full for all services rendered to the city and county, shall be apportionable in the event of service for only part of the year, and shall be subject to deduction for any and all sums due to the city or county from such office holder:



1. The staff director, twenty-one thousand dollars.
2. The clerk of committees, nineteen thousand dollars.
3. The chief of administrative services, eighteen thousand dollars.
4. The chief of research, seventeen thousand dollars.
5. The librarian, sixteen thousand dollars.
6. The city messenger, seventeen thousand dollars.
7. The receptionist, twelve thousand dollars.
8. The assistant clerk of committees, seventeen thousand five hundred dollars.
9. The chaplain, three thousand dollars.

#### Historical Notes

- Ord. 1968 c. 11 §1
- Ord. 1968 c. 12 §1
- Ord. 1969 c. 13
- Rev. Ord. 1961 (Sup. 1971) c. 2A §3
- Ord. 1973 c. 3 §1
- Ord. 1974 c. 3
- Ord. 1974 c. 8
- Ord. 1975 c. 4
- Ord. 1975 c. 13

Chapter 11 -- City Clerk

Sec.

550	General Duties of City Clerk
551	Record of Appointments
552	Minors' Licenses
553	Assistant City Clerk
554	Registry Division

## §550 GENERAL DUTIES OF CITY CLERK

The city clerk department shall be under the charge of the city clerk, who shall exercise the powers and perform the duties provided by statute; shall have the care and custody of all records, documents, maps, plans, and papers of the city, concerning the care and custody of which no other provision is made; shall attend all meetings of the city council, and keep records of such meetings; shall cause every ordinance except ordinances consolidating and arranging the ordinances to be printed as a city document as soon as may be after its passage and, except as otherwise provided, to be published once a week for three weeks successively in two daily newspapers published in this city; shall keep a copy of the last revision of the ordinances with all amendments codified and arranged therein; shall keep a book containing a record of notices of accidents caused by defects in the streets; and shall, at the close of each municipal year, prepare and print as city documents (a) a pamphlet containing, except as otherwise provided, all ordinances passed during such year, and (b) a cumulative supplement to this ordinance codifying all ordinances, whensoever passed, amending this ordinance.

## Historical Notes

St. 1821 c. 110 §10  
St. 1909 c. 486 §22  
Ord. 1961 c. 7 §1  
Rev. Ord. 1961 (Sup. 1971) c. 10 §1  
Ord. 1975 c. 7 §3

## Cross References

G.L. c. 41  
Statutes, Title 2 §750  
Ordinances, Title 14 §418

## §551 RECORD OF APPOINTMENTS

The city clerk shall keep a book containing the dates of appointment of all officers appointed by the mayor or elected by the city council and a statement, which shall be signed by every such officer, that he accepts his office subject to the statutes and ordinances.

## Historical Note .

Rev. Ord. 1961 c. 10 §2

## §552 MINORS' LICENSES

The city clerk shall, when so directed by the city council, issue licenses and badges to minors, and shall in such case see that every such licensee conforms to the conditions of his license.

## Historical Note

Rev. Ord. 1961 c. 10 §3

## Cross Reference

Ordinances, Title 14 §§415,416

## §553 ASSISTANT CITY CLERK

The city clerk shall appoint, subject to the approval of the mayor, an assistant city clerk, who shall be sworn to the faithful discharge of his duties, shall hold office until his successor is appointed and qualified, shall assist the city clerk in the performance of the duties of his office, and shall discharge the duties of the city clerk when that officer is absent, or when there is a vacancy in that office. The certificate or attestation of the assistant city clerk shall have the same effect as that of the city clerk.

## Historical Note

Rev. Ord. 1961 c. 10 §4

## Cross Reference

G.L. c. 41 §18

## §554 REGISTRY DIVISION

There shall be in the office of the city clerk a division, known as the Registry Division, as provided in the charter as that term is defined in clause Fifth of section 7 of chapter 4 of the General Laws.

## Historical Notes

Ord. 1968 c. 14 §4

Rev. Ord. 1961 (Sup. 1971) c. 10 §6

## Cross Reference

G.L. c. 4 §7



Chapter 13 -- City Record

No Ordinances Apply. See Special Statutes and Regulations.

Chapter 15 -- Ordinances

Sec.

750	Construction of Ordinance; Repeal
751	Enacting Style
752	Publication
753	Departments Created
754	Adoption and Promulgation of Forms and Regulations

§750 CONSTRUCTION OF ORDINANCE; REPEAL

This ordinance shall be known as the "City of Boston Code, Ordinances," and it shall take effect upon its passage. So far as its provisions are the same in effect as those of previously existing ordinances and regulations, it shall be construed as a continuation of such ordinances and regulations; it shall not affect any act done, any right accrued, any penalty incurred, any suit, prosecution, or proceeding pending, or the tenure of office of any person holding office, at the time when it takes effect; subject to said limitations, all ordinances of the city heretofore in are hereby repealed, except the ordinances relating to or amending the Boston Building Code established by chapter 479 of the acts of 1938, the ordinances establishing or amending the Boston Fire Prevention Code, and the ordinance establishing a Department of Civil Defense.

Historical Notes

Rev. Ord. 1961 c. §1  
Ord. 1975 c. 7

§751 ENACTING STYLE

All by-laws of the city of Boston shall be denominated ordinances, and the enacting style shall be, "Be it ordained by the city council of Boston, as follows."

Historical Notes

Rev. Ord. 1961 c. 1 §2  
Ord. 1975 c. 8 §2

§752 PUBLICATION

Every ordinance shall, unless otherwise provided, take effect upon its passage. Every ordinance, unless relating to the internal affairs of the city government or for consolidating and arranging

the ordinances, shall, except when otherwise provided, be published once a week for three weeks successively in two daily newspapers published in this city. This ordinance shall be published by the action of the city council in passing the same.

Historical Note

Rev. Ord. 1961 c. 1 §3

§753 DEPARTMENTS CREATED

The departments named in the following chapters are hereby created, and placed under the charge of the officers or boards designated therefor, under the general supervision and control of the mayor.

Historical Note

Rev. Ord. 1961 c. 1 §16

Cross Reference

Ordinances, Title 2 §350

§754 ADOPTION AND PROMULGATION OF FORMS AND REGULATIONS

(a) City departments shall in adopting and promulgating forms and regulations adhere to the requirements of chapter 30A of the General Laws, State Administrative Procedure, particularly sections 1 through 6, provided, however, that the City Clerk shall appropriately perform those duties designated therein to be performed by the Secretary of State.

(b) Forms and regulations presently in effect if not readopted and repromulgated in accordance with the above standards shall become null and void on December 31, 1976.

Historical Note

Ord. 1975 c. 8





TITLE 3

ACQUISITION AND DISPOSITION OF PROPERTY

Chap.		Sec.
1	Acquisition and Disposition of Property . . . . .	1

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[No Ordinances apply. See Statutes and Regulations.]



TITLE 4

CONTRACTS

Chap.

Sec.

1	City and County Contracts and Accounts Payable . . . . .	1
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[No Ordinances apply. See Statutes and Regulations.]





## TITLE 5

## ADMINISTRATION

Chap.		Sec.
1	Administrative Services Department . . . . .	1
	Art Commission	
	Public Safety Commission	
3	Boards, Departments: Officers, Subordinates and Employees . . . . .	100
5	Pensions, Retirement Allowances and Annuities . . . . .	300
7	Boston Retirement Board . . . . .	400
9	Law Department . . . . .	450

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Chapter 1 -- Administrative Services Department

Sec.	
1	Administrative Services Board. Appointment, Term
2	Duties of Director
3	Duties of Deputy Director
4	Duties of Supervisor of Labor Relations
5	Duties of Supervisor of Budgets
6	Duties of Supervisor of Personnel
7	Duties of Purchasing Agent
8	Printing Plant; Union Label
9	City Documents
	<u>Art Commission</u>
10	Art Commissioners. Appointment, Term, Compensation, Powers and Duties
	<u>Public Safety Commission</u>
11	Public Safety Commission

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§1 ADMINISTRATIVE SERVICES BOARD. APPOINTMENT, TERM

There shall be in the city a department, known as the Administrative Services Department, which shall be under the charge of a board, known as the Administrative Services Board, consisting of an officer, known as the Director of Administrative Services, who shall be chairman of the board, an officer known as the Deputy Director of Administrative Services for Fiscal Affairs, an officer known as the Supervisor of Budgets, an officer known as the Supervisor of Labor Relations, an officer known as the Supervisor of Personnel, an officer known as the Purchasing Agent, and the commissioner of assessing, the city auditor and the collector-treasurer, ex officio. The director

of administrative services, the deputy director of administrative services for fiscal affairs, the supervisor of budgets, the supervisor of labor relations, and the purchasing agent shall each be appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, and shall devote their whole time to the duties of their respective offices. The supervisor of personnel shall be appointed by the mayor, and hold office, subject to the civil service laws and rules, and shall devote his whole time to the duties of his office. The director of administrative services shall exclusively have the powers, and perform the duties, of a department head with respect to the appointment, suspension, discharge, compensation and indemnification of subordinates for the administrative services department and the several officers thereof.

#### Historical Notes

Ord. 1953 c. 8 §9  
Ord. 1956 c. 3 §2  
Ord. 1961 c. 1 §3  
Ord. 1968 c. 2 §2  
Rev. Ord. 1961 (Sup. 1971) c. 4 §1  
Ord. 1974 c. 5 §2

#### Cross References

Ordinances, Title 2 Chapter 7  
Ordinances, Title 6 Chapters 1,3,5

## §2

### DUTIES OF DIRECTOR

It shall be the duty of the administrative services board, and more especially of the director of administrative services, to make, under the mayor, studies and recommendations with respect to the organization, activities, policies and procedures of all departments, boards and officers so that the administration thereof shall be economical and efficient. The administrative services board shall divide the administrative services department from time to time into such divisions as said board shall adjudge necessary for the proper conduct of the department. The director of administrative services shall, from time to time as written studies and recommendations are made by him or by the administrative services board, and at such times as the city council may order, file a copy thereof with the city clerk for transmission to the city council, and shall cause to be included in the annual report of said board, summaries of all such studies and recommendations.

#### Historical Note

Rev. Ord. 1961 c. 4 §2

## §3

### DUTIES OF DEPUTY DIRECTOR

The deputy director of administrative services for fiscal affairs shall, under the direction of the mayor, and in consultation with the director of administrative services, review all aspects of the fiscal affairs of the city and make recommendations for continual modernization and improvement in the basic fiscal policies and procedures of the city, including, but not limited to, the means by which the budget can be used to effectuate policy decision.

#### Historical Notes

Ord. 1968 c. 2 §1  
Rev. Ord. 1961 (Sup. 1971) c. 4 §2A



## §4 DUTIES OF SUPERVISOR OF LABOR RELATIONS

The supervisor of labor relations shall, under the direction of the mayor, and in consultation with the director of administrative services, review all aspects of the labor relations of the city and make recommendations for their improvement, represent the mayor in all collective bargaining in which the city is involved, and by himself or through assistants appear in all grievance, arbitration, and court proceedings involving labor relations.

This ordinance shall be deemed to be made under section 5 of chapter 486 of the acts of 1909, as amended by section 1 of chapter 473 of the acts of 1953, and shall be so construed that no person holding, whether under general or special law or otherwise, an office or position subject to the civil service laws and rules shall, by reason of the adoption of this ordinance, be without a similar office or position or be reduced in rank or compensation.

## Historical Notes

Rev. Ord. 1961 c. 4

Ord. 1968 c. 2

Ord. 1974 c. 5 §§3,4

## §5 DUTIES OF SUPERVISOR OF BUDGETS

The supervisor of budgets shall, under the direction of the mayor and in consultation with the director of administrative services, prepare in segregated form the annual and all supplementary budgets to be submitted by the mayor to the city council, and shall report to the mayor on all subsequent revisions of the items in any budget. The supervisor of budgets shall also prepare, under the direction of the mayor and in consultation with the director of administrative services, all transfer orders to be submitted by the mayor to the city council under section 3B of chapter 486 of the acts of 1909. The supervisor of budgets shall further prepare, under the direction of the mayor and in consultation with the director of administrative services, the form of estimate sheets to be used by each officer, board and department, and each division of a department, for which the city appropriates money, and the form of monthly report of such officer, board and department, and each division thereof, showing expenditures to date of all appropriations by item. The supervisor of budgets shall, in addition, have the powers and perform the duties conferred or imposed on the budget commissioner by any statute other than section 56 of chapter 35 of the General Laws.

## Historical Notes

St. 1909 c. 486 §3B

Ord. 1956 c. 3 §3

Rev. Ord. 1961 c. 4 §3

## Cross Reference

G.L. c. 35 §56

## §6 DUTIES OF SUPERVISOR OF PERSONNEL

The supervisor of personnel shall (a) establish and maintain personnel records, as complete as practicable, for all persons in the service of the city, (b) make a continuing study of personnel problems, employment conditions and economic changes affecting the several departments of the city, (c) recommend, from time to time to the mayor and the several officers appointing subordinates, programs designed to provide opportunities for career service with the city and administrative policies tending to improve and coordinate the handling of personnel matters, (d) supervise the administration of all compensation plans established for employees of the city and recommend such changes in those plans as from time to time shall seem to him necessary or advisable, and (e) have the powers and perform the duties conferred or imposed on the budget commissioner by section 56 of chapter 35 of the General Laws. The supervisor of personnel shall furnish the supervisor of budgets such assistance as said supervisor shall require in connection with the performance by said supervisor of his duties under section 4 of this chapter.

## Historical Note

Rev. Ord. 1961 c. 4 §4

## Cross Reference

G.L. c. 35 §56

## §7 DUTIES OF PURCHASING AGENT

The purchasing agent shall, when satisfied of the legality of any requisition in writing signed by the officer in charge of a department requiring material or supplies of any kind, at once comply with such requisition and furnish the material or supplies requisitioned, shall require suitable evidence that the material or supplies furnished are accepted by the officer issuing the requisition, and shall keep suitable records of all requisitions received and materials and supplies furnished.

## Historical Note

Rev. Ord. 1961 c. 4 §5

## §8 PRINTING PLANT; UNION LABEL

The purchasing agent shall have charge of the printing plant, shall, when satisfied of the legality of any requisition in writing signed by any officer to whom the city is required by law to furnish printing or binding, supply the printing or binding requisitioned, and shall, wherever practicable, standardize all such printing and binding. All printed matter done for the city shall, so far as it can legally do so, bear the imprint of the union label of the Allied Printing Trades Council of Boston.

## Historical Notes

Ord. 1901 c.1

Rev. Ord. 1961 c. 4 §6

## §9 CITY DOCUMENTS

The purchasing agent shall number and print as city documents copies of the mayor's inaugural or annual address, the department reports and such other matter as may be ordered to be printed in the form of a city document by the city council or by the mayor. The number of copies of each document to be printed shall, unless specified by the city council, be determined by the mayor; provided, however, that the minimum shall be two hundred, of which number one hundred copies shall be bound in sets of volumes containing all such city documents with an alphabetical index. All city documents and sets of volumes shall be delivered to the city messenger and distributed in such manner as the city council may direct. Special publications shall, from time to time, be printed on order of the city council approved by the mayor, to which the provisions of this section, except as to distribution, shall not apply.

## Historical Note

Rev. Ord. 1961 c. 4 §7

Art Commission

## §10 ART COMMISSIONERS. APPOINTMENT, TERM, COMPENSATION, POWERS AND DUTIES

There shall be in the administrative services department a board, known as the Art Commission, consisting of five commissioners appointed by the mayor as follows:-- one from three candidates nominated by The Boston Society of Architects, one from three candidates nominated by the Copley Society of Boston, one from three candidates nominated by the Massachusetts Institute of Technology, one from three candidates nominated by the Museum of Fine Arts, and one from three candidates nominated by the Trustees of the Public Library of the City of Boston. As the term of any commissioner in office expires, his successor shall be appointed as such commissioner for a term of five years. Vacancies in the commission shall be filled for the unexpired term. The members of the art commission shall serve without compensation. Any secretary elected by the commission outside of its own membership shall also serve without compensation.

The art commission shall not be subject to the supervision or control of the administrative services board or any member thereof; but unless otherwise ordered by the mayor, the art commission shall not communicate with the mayor except through the director of administrative services and shall not make any annual or other report except through the administrative services board.

The art commission shall have the powers and perform the duties conferred or imposed by law on the board of art commissioners in existence immediately prior to the taking effect of chapter 8 of the Ordinances of 1953.

## Historical Notes

St. 1898 c. 410

Sp. St. 1919 c. 87

Ord. 1953 c. 8 §9

Rev. Ord. 1961 c. 4 §8

Public Safety Commission

## §11 PUBLIC SAFETY COMMISSION

There shall be in the administrative services department, the board, known as the Public Safety Commission, provided for by section 1 of chapter 203 of the acts of 1959. Said board shall exercise the powers and perform the duties provided by statute.

## Historical Notes

St. 1959 c. 203 §1

Rev. Ord. 1961 c. 4 §9



Chapter 3 -- Boards, Departments: Officers, Subordinates and Employees

Sec.

100	Acceptance of Office
101	Residency and Voting Requirements for Certain Officers
102	Bonds of Officers and Subordinates
103	Bonds Not Required by Statute or Ordinance
104	Allowance of Premium as Expense
105	Salary Categories for Certain Offices
106	County Officers
107	Temporary Officers
108	Vacation and Other Absence
109	Boards to Organize First Monday in May
110	Office Hours
111	Records of Acts and Doings of Departments
112	Employment, Compensation, and Tenure of Subordinates
113	To Expend Gifts as Directed
114	Personal Property Not Required by Department
115	Inspection and Certificate by Weigher
116	Printing and Office Supplies
117	Settlement of Claims
118	Fees, etc. Received for Services
119	Bills and Demands Sent to Auditor
120	Certification by City Auditor
121	Pay Rolls
122	Conditions in Licenses or Permits
123	Subordinate Acting Temporarily for Officer
124	Mandatory Referral of Capital Improvements
125	Estimates of Appropriations and Income
126	Annual Reports of Departments
127	Notice of Illness of Inmates of Public Institutions
128	Equal Opportunity Policy

§100

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ACCEPTANCE OF OFFICE

Every officer appointed by the mayor or elected by the city council shall continue to hold office until his successor is appointed or elected and duly qualified, and every such officer shall subscribe in a book, to be kept by the city clerk for that purpose, a statement that he accepts his office subject to the statutes and ordinances.

## Historical Notes

St. 1885 c. 266 §4

St. 1890 c. 418

Ord. 1883 c. 10

Rev. Ord. 1961 c. 3 §1

## §101 RESIDENCY AND VOTING REQUIREMENTS FOR CERTAIN OFFICERS

Each officer appointed by the mayor or elected by the city council and every person who for a period of more than ninety days acts in place of such an officer, except those officers appointed by the mayor under the provisions of section 102 of this chapter, shall be, or within the six months next following the date of his acceptance of office shall become, both a resident and a registered voter of the city of Boston and each such officer shall continue to be both a resident and a registered voter of the city of Boston during his term of office. This section shall not apply to those officers serving in positions without compensation except for reimbursement for expenses actually incurred in the performance of official duties, or to persons acting in place of such officers. If any such officer shall during his term of office remove from the city of Boston or cease to be a registered voter therein he shall be deemed to have become disqualified from holding his office as of the date of such removal or such cessation. Each officer affected by this section shall upon his acceptance of office or within the six months next following thereupon, in writing and under the penalties of perjury, certify to the city clerk that he is both a resident and a registered voter of the city of Boston. If, upon the expiration of the six months next following his acceptance of office, any such officer shall not have so certified to the city clerk that he is both a resident and a registered voter of the city of Boston, he shall be deemed disqualified from holding his office, and the city clerk shall forthwith so notify the mayor, the city council, and the collector-treasurer. Upon receipt of such notification the collector-treasurer shall strike from the payroll the name of any such officer and shall cause no further payments of salary or other compensation to be made thereto. No person deemed disqualified hereunder shall be appointed or elected to any office subject to the provisions of this section for a period of one year next after the date he becomes disqualified unless he shall before the date of such election or appointment have become both a resident and a registered voter of the city of Boston. This section shall not apply to any person in office on the date of the adoption of this section; provided, however, that this section shall apply to any such person upon the expiration of his current term of office whether or not his successor shall have been appointed or elected; and provided, further, that this section shall apply to any such person who shall be appointed or elected to another office to which this section applies upon the date of his acceptance of such other office. Those provisions of this section which require that an officer be a registered voter shall not apply to any person who is by law ineligible to vote if such person shall certify to the city clerk his ineligibility and the reason therefor.

## Historical Notes

Rev. Ord. 1961 c. 3

Ord. 1973 c. 7

Ord. 1974 c.11

## Cross Reference

Ordinances, Title 6§158

## §102 BONDS OF OFFICERS AND SUBORDINATES

The collector-treasurer and the city auditor, before, and the city clerk, within five days after, entering upon the duties of their respective offices and annually thereafter and at such other times as the mayor shall determine, shall give bond to the city, in the case of the collector-treasurer, in the penal sum of five hundred thousand dollars, in the case of the city auditor, in the penal sum of one hundred thousand dollars, and in the case of the city clerk, in the penal sum of five thousand dollars.

Every bond given under this section shall be upon the condition that the person named therein as principal and all his subordinates shall, while he continues in office, by reappointment, re-election or otherwise, faithfully discharge their duties and trusts, and safely hold and lawfully dispose of

and account for all money and other property belonging to the city or county which may come into his possession or that of his subordinates; and that he shall deliver, according to law, to his successor in office or such other person as may be authorized to receive the same all money and other property in his possession or that of his subordinates belonging to the city or county. Every bond given under this section shall be executed by a surety company authorized to transact business in Massachusetts as surety, shall be approved by the mayor, and shall be filed with the city auditor except that the bond of the city auditor shall be filed with the collector-treasurer.

Historical Notes

Ord. 1954 c. 2 §6

Rev. Ord. 1961 c. 3 §2

Cross Reference

Ordinances, Title 6 §§1,153

§103

BONDS NOT REQUIRED BY STATUTE OR ORDINANCE

Every person intrusted with the collection, custody or disbursement of public moneys who is not required by statute or other ordinance to give bond shall, if the officer appointing him so requires, give before entering upon the duties of his office or position and annually thereafter and at such other times as such officer shall determine, a bond running to the city or, if such officer is bonded to the city upon the condition set forth in section 102, to such officer, in such penal sum not exceeding twenty thousand dollars, with such surety, and upon such condition as such officer shall prescribe. Every bond given under this section running to the city shall be filed with the city auditor.

Historical Notes

Ord. 1954 c. 2 §6

Rev. Ord. 1961 c. 3 §3

Cross Reference

Ordinances, Title 6 §2

§104

ALLOWANCE OF PREMIUM AS EXPENSE

The premium for the surety upon any bond given under section 102 or section 103 of this chapter or Title 6, section 153 shall be allowed and paid as an expense of the department of which the principal on the bond is an officer or employee.

Historical Notes

Ord. 1954 c. 2 §6

Rev. Ord. 1961 c. 3 §4

Cross Reference

Ordinances, Title 6 §153



## §105 SALARY CATEGORIES FOR CERTAIN OFFICES

Holders of the following offices shall receive such annual salary as shall be fixed by the mayor within the limits set out below for the category in which said office is placed. In fixing such salary, the mayor shall consider the salaries paid equivalent offices by comparable governmental units elsewhere in the United States and the salary necessary to attract or retain competent individuals in the city's service. Such salary shall, except as otherwise provided by statute or ordinance, be in full for all services rendered to the city and county, shall be apportionable in the event of service for only part of the year, and shall be subject to deduction for any and all sums due to the city or county from such office holder:

Category I shall include: the director of administrative services, who shall receive as salary not less than thirty thousand dollars nor more than forty thousand dollars.

Category II shall include: the commissioner of assessing, the corporation counsel, the fire commissioner, the police commissioner, and the commissioner of public works, who shall receive as salary not less than twenty-five thousand dollars nor more than thirty-five thousand dollars.

Category III shall include: the deputy director of administrative services for fiscal affairs, the supervisor of budgets, the supervisor of labor relations, the supervisor of personnel, the purchasing agent, the city auditor, the building commissioner, the city clerk, the collector-treasurer, the commissioner of housing inspection, the commissioner of parks and recreation, the penal institutions commissioner, the commissioner of real property, and the commissioner of traffic and parking, who shall receive as salary not less than twenty thousand dollars nor more than thirty thousand dollars.

Category IV shall include: the two associate commissioners of assessing, the chairman of the board of election commissioners, the assistant commissioner of housing inspection, the two assistant commissioners in the parks and recreation department, the assistant commissioner of real property, the commissioner on affairs of the elderly, and the veterans benefits and services commissioner, who shall receive as salary not less than fifteen thousand dollars nor more than twenty-five thousand dollars.

Category V shall include: the member of the board of review in the assessing department appointed from the public at large and the three members of the board of election commissioners, who shall receive as salary not less than ten thousand dollars nor more than twenty thousand dollars.

Persons holding the offices mentioned above shall devote their entire time during ordinary business hours to their respective duties.

The salaries fixed in accordance with this ordinance shall be implemented only to the extent permitted by the federal Pay Board pursuant to its authority under the 1971 Amendments to the Economic Stabilization Act.

Each member of the board of appeal in the building department shall receive for every day or part thereof of actual service seventy-five dollars; but in no event shall any member of said board receive in any one year more than nine thousand dollars in the aggregate for services rendered by him under the building code and the zoning law. Each member of the board of examiners in the building department shall receive for every day or part thereof of actual service twenty-five dollars, but in no event more than two thousand dollars in any one year.

The person in the service of the real estate appraisal division of the assessing department serving

ex officio on the board of review in said department shall, while so serving, receive as compensation for his services as chairman and a member of said board, in addition to the compensation for his regular service in said division, the amount, if any, by which such compensation is exceeded by the maximum compensation for an office allocated to Grade No. R-20 of the compensation plan from time to time in effect for the county; and the person in the service of the statistical research division of said department service ex officio on said board shall, while so serving, receive as compensation for his services on said board, in addition to the compensation for his regular service in said division, the amount, if any, by which such compensation is exceeded by the maximum compensation for an office allocated to Grade No. R-19 of such compensation plan.

The deputy assessors shall be compensated as if they held an office allocated to Grade No. R-19 of the compensation plan from time to time in effect for the county; assistant assessors lawfully required to devote at least thirty-five hours a week to their work shall be compensated as if they held an office allocated to Grade No. R-15 of said compensation plan.

The auctioneer in the real property department shall be compensated as if he held a position allocated to Grade No. 30 of the compensation plan from time to time in effect for the county.

#### Historical Notes

Rev. Ord. 1961 (Sup. 1971) c. 3 §5

Ord. 1972 c. 13

Ord. 1973 c. 5

Ord. 1974 c. 5

Ord. 1975 c. 3

(For an extensive history of this section, see the Historical Notes listed immediately above.)

### §106

#### COUNTY OFFICERS

The officers of the county of Suffolk shall be paid the salaries and allowances provided by law.

#### Historical Note

Rev. Ord. 1961 c. 3 §6

### §107

#### TEMPORARY OFFICERS

Every officer temporarily holding, or performing the duties of, more than one office shall receive the salary for the highest paid of such offices.

#### Historical Note

Rev. Ord. 1961 c. 3 §7

### §108

#### VACATION AND OTHER ABSENCE

Every officer in charge of a department receiving a salary from the city shall be entitled to a vacation of two weeks, without loss of pay, during each year of service, and the mayor may grant additional leave of absence, with or without loss of pay, to such officer.

#### Historical Notes

R.O. 1885 c. 4 §4

Rev. Ord. 1961 c. 3 §8

## §109 BOARDS TO ORGANIZE FIRST MONDAY OF MAY

Every board shall, unless otherwise provided, organize on the first Monday in May annually by the choice of one of its members as chairman, and by the choice of a secretary, who shall be sworn to the faithful discharge of his duties.

## Historical Note

Rev. Ord. 1961 c. 3 §9

## §110 OFFICE HOURS

Except as otherwise ordered by the mayor under Title 2 section 359, the collector-treasurer shall daily have an office open for the receipt and disbursement of money from nine o'clock in the forenoon until two o'clock in the afternoon and every other officer in charge of a department shall daily have an office open for the transaction of public business for not less than eight hours; provided, however, that every public office in the city shall remain closed on all Sundays and legal holidays and may remain closed on all Saturdays, except that the board of health and hospitals shall have an office open for the issuance of burial permits and permits for the removal of dead bodies from ten o'clock in the forenoon until twelve o'clock noon on every day in the year.

## Historical Notes

Ord. 1954 c. 2 §9

Ord. 1968 c. 14 §3

Rev. Ord. 1961 (Sup. 1971) c. 3 §10

## Cross References

Ordinances, Title 2 §359

Ordinances, Title 6 §154

## §111 RECORDS OF ACTS AND DOINGS OF DEPARTMENTS

Every officer in charge of a department shall keep records of the acts and doings of the department, in books kept specially for the purpose, including a book in which he shall record all contracts, and all changes and alterations made in contracts or specifications, for work and materials furnished for his department, and shall keep files of its papers, and a book showing the property belonging to or used by the department, such book to be corrected at the beginning of each financial year. The records of the proceedings of every board shall be made by the secretary upon the day of the meeting, shall state the names of the members present, and shall be read and submitted for approval at the next meeting.

## Historical Note

Rev. Ord. 1961 c. 3 §11

## §112 EMPLOYMENT, COMPENSATION, AND TENURE OF SUBORDINATES

Every officer in charge of a department shall to the best of his ability cause all statutes, ordinances, regulations, and orders relating to the duties of his department to be observed and enforced, and subject to the civil service laws and rules, when applicable, shall employ, fix the compensation



of, and may discharge for such cause as he shall deem sufficient and cause to be recorded in the records of his department, all subordinates in his department; [provided, however, that none but citizens shall be employed in any capacity except that alien physicians and nurses may be employed in a hospital or other health care institution under the charge of the board of health and hospitals;] and provided, further, that no emergency, provisional, temporary, intermittent, permanent or other appointment, transfer or promotion nor any reinstatement except upon the expiration of a suspension or a valid leave of absence, nor any increase in the compensation, nor any change in the title or rating, of any subordinate shall take effect until approved in writing by the director of administrative services except in cases where the mayor by a writing orders otherwise. The director of administrative services shall file each day with the mayor a copy of all approvals given by him on the preceding day under this section.

#### Historical Notes

Ord. 1953 c. 8 §5

Ord. 1969 c. 5

Ord. 1972 c. 20 §2

Rev. Ord. 1961 (Sup. 1971) c. 3 §12

The bracketed portion is unconstitutional. Sugarman v. Dougall, \_\_\_\_\_ U.S. \_\_\_\_\_; 93 S.Ct. 2842 (1973)

§113

### TO EXPEND GIFTS AS DIRECTED

Every officer in charge of a department shall expend any contribution, payment, gift, devise, or bequest in accordance with the directions attached thereto.

#### Historical Note

Rev. Ord. 1961 c. 3 §13

§114

### PERSONAL PROPERTY NOT REQUIRED BY DEPARTMENT

If the officer in charge of any department shall at any time have the care, custody and management of any personal property belonging to the city which is not required for the purposes of such department, he shall by a writing executed in triplicate, one copy of which shall be retained by him, one copy filed with the city auditor and one copy delivered to the purchasing agent, transfer the care, custody and management of such personal property to the purchasing agent, who, if such personal property is required for the purposes of another department, shall by a writing executed in like manner transfer the care, custody and management thereof to the officer in charge of such department and, if such personal property is not so required and he estimates the value thereof not to exceed five hundred dollars, may, with the written approval of the mayor, lease, sell or otherwise dispose of the same at such time, for such price and in such manner as he shall adjudge most advantageous to the city.

#### Historical Notes

Ord. 1953 c. 8 §6

Rev. Ord. 1961 c. 3 §14

## §115 INSPECTION AND CERTIFICATE BY WEIGHER

Every officer, except the commissioner of public works, when contracting for, or accepting delivery of, fuel, or stone, gravel, sand, or ballast from a vessel, shall require that it be weighed and inspected by a duly authorized weigher or measurer, and that the bill therefor shall be accompanied by the certificate of such weigher or measurer.

## Historical Notes

Ord. 1954 c. 2 §10

Rev. Ord. 1961 c. 3 §15

## §116 PRINTING AND OFFICE SUPPLIES

The board in charge of the library department may, and the officer in charge of every other department shall, when material or supplies of any kind, including printing and binding, are required, obtain the same from the purchasing agent by requisition in writing on forms furnished by said agent, who shall cause to be included in the annual report of the administrative services board a statement of the cost of all printing, binding and other material and supplies furnished each department.

## Historical Notes

Ord. 1953 c. 8 §7

Rev. Ord. 1961 c. 3 §16

## §117 SETTLEMENT OF CLAIMS

Every officer in charge of a department shall immediately make a report in writing to the law department whenever any transaction, act or negligence of the department in his charge occurs which results in, or may occasion the bringing of, a claim against the city. All claims against the city or any department thereof shall be transmitted to the city clerk for reference to the committee of the city council on claims, and notice shall be given to the corporation counsel, who, by himself or his assistants, shall make an investigation of the claim, and for this purpose shall be furnished, on request, with all necessary departmental books, papers or records, and may require any official or employee of a department who may have information concerning such claim to attend any hearing thereon. Upon completion of the investigation the corporation counsel or his assistants shall present a report to the committee on claims recommending a settlement for an amount named in said report, or disapproving such claim. The committee on claims shall have authority to settle any such claim, subject to the approval of the mayor, for the amount recommended by the law department or for a less amount, or to reject the proposed settlement. No such settlement shall be made for an amount exceeding five hundred dollars. Nothing herein contained shall affect the provisions of these ordinances respecting the settlement of claims upon which suits have been entered.

## Historical Notes

Ord. 1866 c. 2

Ord. 1914 c. 5

Rev. Ord. 1961 c. 3 §17

## Cross References

Ordinances, Title 5 §450

Ordinances, Title 6 §6

## §118 FEES, ETC., RECEIVED FOR SERVICES

Every officer or employee receiving a salary from the city, who receives for his services as such officer or employee any other salary, or any fees, charges, or commission, shall pay such other salary, fees, charges, and commissions into the city treasury, as the property of the city, provided, however, that this provision shall not apply to the fees received by the city clerk under chapter 131 of the General Laws or acts in amendment or addition thereto; and any officer or employee through whom, or for whose supplies, sales, or services as such officer or employee, or for any notes, securities, leases, or other agreements in his custody, payments are due or to be made to the city, or to him for the city, shall keep suitable books and accounts of all such dues and payments, and shall, unless otherwise specially provided by law, on or before the fifth day of every month send to the auditor a statement of the total amount of such payments made to him, or which have become due since the date of the last statements or which will become due within a month from said day, and deliver to the collector-treasurer all such money paid to him, and bills of all such dues and, unless authorized to the contrary by the collector-treasurer, shall furnish therewith, in suitable books with proper details, alphabetical lists by wards of such moneys and bills, with the columns of figures added and carried forward continuously to the end of the lists.

## Historical Notes

R.O. 1885 c. 15 §7

Ord. 1954 c. 2 §11

Rev. Ord. 1961 c. 3 §18

## Cross References

Ordinances, Title 2 §550

Ordinances, Title 6 §1,150

G.L. c. 131

## §119 BILLS AND DEMANDS SENT TO AUDITOR

Every person selling any goods to, doing any work for, or rendering any services to, the city of Boston or the county of Suffolk, shall submit his bill or demand for the same to the city auditor in such form as said auditor may require. The board or officer contracting for such work, goods or services shall certify to the city auditor, at such time and in such form as said auditor may require, that such work has been done, goods delivered, or services rendered, as the case may be, and that payment therefor, in a specified amount, should be made. This section shall not apply to the payment of the salary or wages of any officer or employee.

## Historical Notes

Ord. 1949 c. 9 §1

Rev. Ord. 1961 c. 3 §19

## Cross Reference

Ordinances, Title 6 §§3,4



## §120 CERTIFICATION BY CITY AUDITOR

No officer in charge of a department shall incur any obligation payable from the treasury of the city unless the city auditor shall have certified on the document intended to evidence such obligation that an appropriation in the amount of such obligation is available therefor, and no contract, purchase order, or service order shall be deemed to have been made until the city auditor shall have so certified.

## Historical Notes

Rev. Ord. 1961 c. 3

Ord. 1972 c. 11 §1

## Cross Reference

Ordinances, Title 6 §§3,154

## §121 PAY ROLLS

The pay rolls of all departments, divisions, offices and bureaus of the city of Boston and county of Suffolk shall be prepared on forms furnished by the auditing department and shall be certified, approved, audited and paid in conformity with the system and procedure established from time to time by the city auditor.

## Historical Notes

Ord. 1945 c. 12

Rev. Ord. 1961 c. 3 §20

## Cross Reference

Ordinances, Title 6 §3

## §122 CONDITIONS IN LICENCES OR PERMITS

Every officer in charge of a department issuing a license or permit shall insert therein a condition that the person accepting the same shall conform to the statutes and ordinances and the specifications in the license or permit; that the license or permit may be revoked at any time by the authority issuing it; that the violation of any of its specifications shall work an immediate revocation of the license or permit; and that such person shall indemnify and save harmless the city from any damage it may sustain, or be required to pay, by reason of the doing of the work licensed or permitted, or by reason of any act or neglect of himself or of any of his employees relating to such work, or by reason of any violation of any specifications; provided that nothing herein contained shall be construed to prevent the insertion of any other specifications deemed advisable by the authority issuing such license or permit.

## Historical Notes

R.O. 1890 c. 3 §21

Rev. Ord. 1961 c. 3 §21

## Cross References

Ordinances, Title 11 §160

Ordinances, Title 14

## §123 SUBORDINATE ACTING TEMPORARILY FOR OFFICER

Any officer may, with the approval of the mayor, by a writing deposited with the city auditor, or in the case of the city auditor with the collector-treasurer, designate a subordinate, who shall, for such time, not exceeding four weeks from the date of such designation, as shall be specified in the writing, be authorized to perform the duties required of such officer, and for the acts of such subordinate such officer shall be responsible.

## Historical Notes

Ord. 1953 c. 8 §8

Ord. 1954 c. 2 §11

Rev. Ord. 1961 c. 3 §22

## Cross Reference

Ordinances, Title 6 §§1,153

## §124 MANDATORY REFERRAL OF CAPITAL IMPROVEMENTS

Every board and officer of the city and of the county of Suffolk having power to incur, in carrying on the work of the department, office or undertaking entrusted to it or him, obligations payable from the treasury of the city, shall submit to the Boston Redevelopment Authority on or before October first in each year a list of all capital improvements proposed to be made in carrying on the work of such department, office or undertaking in the six succeeding years; and no such board or officer shall request the mayor to originate any appropriation or loan order for any capital improvement unless within the preceding six months such board or officer has referred such capital improvement to the Boston Redevelopment Authority and requested said authority to report specifically upon such capital improvement and accompanies the request to the mayor with the report of said authority thereon or certifies that said authority was duly requested to report specifically on such capital improvement but has allowed two months to elapse without making such report. As used in this section, the term "capital improvement" shall be construed to mean an acquisition, improvement, construction or installation for which the city is authorized to incur debt for a period of ten years or more.

## Historical Notes

St. 1960 c. 652 §12

Ord. 1952 c. 4

Rev. Ord. 1961 c. 3 §23

## §125 ESTIMATES OF APPROPRIATIONS AND INCOME

Every officer in charge of a department shall annually, on or before the first day of November, send to the mayor an estimate in detail of the appropriations required for such department for the next financial year, and an estimate of the income of such department during said year.

## Historical Note

Rev. Ord. 1961 c. 3 §24

## Cross Reference

Ordinances, Title 6 §8

## §126 ANNUAL REPORTS OF DEPARTMENTS

Every officer in charge of a department shall within thirty days after the close of the financial year transmit to the mayor a report containing a statement of the acts and doings, and receipts and expenditures, of the department for such financial year, together with such other matters as may be required by law, or as the mayor or officer may deem to be of public interest. Every board within a department not subject to the supervision or control of the officer in charge of the department shall make an annual report containing a statement of its acts and doings and such other matters as may be required by law or as it or the mayor may deem to be of public interest, which report shall be annexed by the officer in charge of the department as an appendix to his annual report.

## Historical Notes

Ord. 1954 c. 2 §12

Rev. Ord. 1961 c. 3 §25

## Cross References

Ordinances, Title 6 §8

Ordinances, Title 11 §1

Ordinances, Title 12 §101

## §127 NOTICE OF ILLNESS OF INMATES OF PUBLIC INSTITUTIONS

Every officer or board in charge of a public institution shall, in case of serious illness of any inmate of such institution, notify or cause to be notified, promptly, the nearest relatives or friends of such inmate.

## Historical Notes

Ord. 1900 c. 3

Rev. Ord. 1961 c. 3 §27

## Cross Reference

Ordinances, Title 12 §352

## §128 EQUAL OPPORTUNITY POLICY

No officer of the city shall deny to any person access to opportunity, including without limitation employment, educational, and recreational opportunity, solely by reason of sex. It shall be the policy of the city to afford to every person equal access to opportunity, including without limitation employment, educational, and recreational opportunity.

## Historical Note

Ord. 1974 c.4



Chapter 5 -- Pensions, Retirement Allowances and Annuities

No Ordinances Apply. See Special Statutes.

Chapter 7 -- Boston Retirement Board

Sec.

400 Powers and Duties

§400 POWERS AND DUTIES

The Boston retirement department shall be under the charge of the Boston retirement board, who shall exercise the powers and perform the duties provided by statute.

Historical Notes

St. 1922 c. 521

St. 1945 c. 658

Rev. Ord. 1961 c. 8 §1

Chapter 9 -- Law Department

Sec.

450 Corporation Counsel  
451 Prohibition

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§450 CORPORATION COUNSEL

The law department shall be under the charge of the corporation counsel, who shall furnish opinions on the law of any subject or question that may be submitted to him by the mayor or the city council and on any subject or question relating to the discharge of their or his official duties that may be submitted to him by the school committee, by any committee of the city council, or by four members of the city council, or by any officer in charge of a department of the city government; shall, on application, advise any officer or employee of the city on any question of law connected with the discharge of his official duties; shall, subject to the direction of the mayor, or of any committee of the city council having charge of matters before the general court of the Commonwealth, appear by himself or assistants as counsel for the city before the general court or before any committee thereof, when the interest or welfare of the city is directly or indirectly affected; shall draft and approve the form of all written contracts; shall by himself or by the city conveyancers examine all titles to real property which the city is to acquire, and furnish without charge all deeds or other legal papers necessary for the transfer of property to or from the city which the city is required by law, or has been accustomed, to so furnish; and shall audit all bills incurred by the department; shall, subject to the direction of the mayor, institute any suit or proceeding in behalf of the city which he shall deem the interest of the city requires; shall by himself or by his assistants in the law department appear as counsel in all suits, actions, or prosecutions which may involve the rights or interests of the city, and defend the officers of the city in suits against them for their official actions, or for the performance of their official duties, or when any estate, right, privilege, interest, ordinance, act, or direction of the city is brought in question; may take such steps, and incur such expenses, for the prosecution and defence of suits as he deems necessary; shall examine into the settlement of a claim when requested so to do by the mayor or the head of any department, and, if he deems such settlement advantageous to the city, shall approve the same; and may settle any suit against the city.

## Historical Notes

Ord. June 18, 1827  
Ord. April 2, 1866  
Ord. March 25, 1882  
Rev. Ord. 1961 c. 17 §1

## Cross References

Statutes, Title 3 §§1,2  
Statutes, Title 4 §§1,8  
Ordinances, Title 5 §117  
Ordinances, Title 11 §255

§451

PROHIBITION

No person connected with the law department shall, except as hereinbefore provided, appear in court in any case to which the city is not a party.

Historical Note

Rev. Ord. 1961 c. 17 §2



## TITLE 6

## GENERAL SERVICES

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Chapter 1 - Auditing Department

Sec.	
1	General Duties of City Auditor
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7	Monthly Report to Mayor and City Council
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9	Deputy City Auditor
10	Restriction on Transfer of Appropriated Money

## §1 GENERAL DUTIES OF CITY AUDITOR

The auditing department shall be under the charge of a city auditor who shall be appointed by the mayor, and hold office, subject to the civil service laws and rules and who shall have the custody of all notes, securities, bonds given for the faithful performance of a contract, contracts and other agreements to which the city is a party and for which no other provision is made, and of all bonds to the city other than the auditor's; shall keep a register of the dates, amounts,

and sureties on all such bonds, and notify the mayor whenever any such bond expires, or whenever he is of the opinion that it is impaired by the insolvency or other disability of a surety; shall keep a complete set of books, wherein shall be entered the amount of each specific appropriation and each amount that has been expended on account of such appropriation; shall cause the accounts of the several boards, officers, agencies and departments to be regularly examined annually by competent experts at such times as the mayor shall approve; shall notify the mayor whenever the expenditures of a department seem to him to be in excess of a proper monthly ratio of its appropriation; shall, when any appropriation of a department has been wholly expended, immediately make a report of that fact to the department and to the mayor; shall have the custody of all bonds and certificates of indebtedness, and the coupons thereof, issued by the city, after they have been paid and delivered to him by the collector-treasurer; shall direct to the collector-treasurer all necessary drafts, checks, or other orders for the payment of money, in such form as the mayor shall approve, and forthwith upon completion of each such examination of accounts, file one copy of his report thereon with the city clerk, who shall keep the same open to public inspection during regular business hours; shall keep a registry of, and sign with the collector-treasurer, countersigned by the mayor, all bonds and certificates of indebtedness of the city issued by the collector-treasurer; and shall, if elected, serve as secretary of the board of commissioners of sinking funds.

#### Historical Notes

Ord. August 2, 1824

St. 1909 c. 486 §§23-25

Ord. 1954 c. 2 §15

Rev. Ord. 1961 c. 6 §1

Ord. 1974 c. 10

#### Cross References

Ordinances, Title 6 §154

## §2

### PAYMENT OF BONDS, EXECUTIONS, AND COUPONS

The auditor shall, immediately on receiving any bond of the city from the collector-treasurer, deliver to him a check or other order for the payment of the same; and shall on the days of receiving executions or coupons from the collector-treasurer deliver to him a draft for the total amount of the executions, coupons, and interest paid by the collector-treasurer to such days.

#### Historical Note

Rev. Ord. 1961 c. 6 §2

#### Cross Reference

Ordinances, Title 6 §§154,156

### EXAMINATION AND APPROVAL OF PAY ROLLS; PAYMENT OF PERSONS LEAVING SERVICE

The auditor shall, within forty-eight hours after the close of the period covered by any pay roll, and after examination thereof, if found correct, approve the same, and shall deliver to the collector-treasurer a draft to pay the amount so approved; shall at any time, on receiving a proper certificate from the officer or board in charge of a department, deliver to the collector-treasurer a check or other order to pay the amount due any person in that department leaving the service

of the city.

#### Historical Note

Rev. Ord. 1961 c. 6 §3

#### Cross References

Ordinances, Title 5 §§119,120,121

Ordinances, Title 6 §§156,160

### §4

#### EXAMINATION OF BILLS AND DEMANDS

The auditor shall examine every bill and demand rendered against the city of Boston or the county of Suffolk and shall ascertain whether the following facts exist: (a) that such bill or demand has been incurred by some person duly authorized; (b) that funds appropriated for the purpose are on hand in a sufficient amount for the payment of such bill or demand; (c) that the clerical computations involved in such bill or demand are correct; and (d) that the certificate prescribed by Title 5 section 119 has been furnished. If the auditor finds that all of said facts exist, he shall make an appropriate notation on the bill or demand and forthwith forward the same to the collector-treasurer for payment, and, as soon thereafter as conveniently may be, shall draw a draft upon the collector-treasurer for the payment of such bill or demand. If the auditor finds that any of such facts does not exist, he shall return the bill or demand with his objections to the person submitting the same.

#### Historical Notes

Ord. 1949 c. 9 §2

Rev. Ord. 1961 c. 6 §4

#### Cross References

Ordinances, Title 5 §119

Ordinances, Title 6 §§154,156

Ordinances, Title 6 §150

Ordinances, Title 11 §179

### §5

#### CHECK OR ORDER FOR PAYMENT

The auditor shall, when requested in writing by any officer in charge of a department, if he deem it proper so to do, audit accounts and issue drafts for the payment thereof whenever necessary.

#### Historical Note

Rev. Ord. 1961 c. 6 §5

### §6

#### DEPARTMENTAL CHARGES

The auditor, at the close of each month, shall charge as an expenditure of a department the transaction, act, or neglect of which caused a claim or suit, the amount paid in settlement, or on execution, therefor, unless provision is made for such payment out of some other appropriation; shall charge the amount of every bill allowed by him for printing or binding furnished any



department by the purchasing agent during such month, except city documents, to the appropriation for the department to which the same was furnished, and shall credit such amount to the general revenue of the city; and shall charge to the appropriation for each division of the public works department, or to the appropriation for any special work, the amount of all bills for materials, tools or machinery furnished for such division, or for such work, by other divisions of said department, and shall credit such amount to the general revenue of the city, unless such materials, tools or machinery have been furnished by the water service, in which case the amount charged shall be credited to the water income.

#### Historical Notes

Ord. 1953 c. 8 §11

Rev. Ord. 1961 c. 6 §6

#### Cross References

Ordinances, Title 5 §§118,125

Ordinances, Title 11 §171

### §7

#### MONTHLY REPORT TO MAYOR AND CITY COUNCIL

The auditor shall, immediately after the first day of every month, make to the mayor and, prior to its fourth regular meeting of every month, to the city council, a report showing the amounts of the several appropriations, the amounts of all drafts on account of each appropriation made during the month preceding, the amounts of such drafts made since the beginning of the financial year, and the balance of such appropriation remaining subject to draft.

#### Historical Notes

Rev. Ord. 1961 c. 6 §7

Ord. 1972 c. 11 §2

#### Cross References

Ordinances, Title 2 §352

Ordinances, Title 5 §125

### §8

#### ANNUAL REPORT

The auditor shall include in his annual report a statement of all the receipts and expenditures of the city for the past financial year, giving in detail the amount of each regular and special appropriation and the expenditures therefrom, the receipts from each source of income, the reduction, if any, of the city debt, and the change, if any, in the sinking funds, which statement shall be arranged so far as practicable to conform to the accounts of the collector-treasurer.

#### Historical Notes

Ord. 1954 c. 2 §19

Rev. Ord. 1961 c. 6 §8

#### Cross References

Ordinances, Title 5 §125

Ordinances, Title 6 §154

## §9 DEPUTY CITY AUDITOR

The city auditor may appoint, subject to the approval of the mayor, a deputy city auditor, who shall be sworn to the faithful discharge of his duties and shall hold office until his successor is appointed and qualified. The deputy city auditor shall perform such duties as may be assigned to him from time to time by the city auditor. If, by reason of illness, absence, or other cause, the city auditor be temporarily unable to perform the duties of his office, the deputy city auditor shall perform the same until such disability ceases.

## Historical Notes

Ord. 1934 c. 5

Rev. Ord. 1961 c. 6 §9

## §10 RESTRICTION ON TRANSFER OF APPROPRIATED MONEY

After an appropriation of money has been duly made by the City of Boston for any specific purpose, or for the needs and expenditures of any city department or county office, the city auditor shall make transfers of the monies thus appropriated only in accordance with law, and shall make no transfer requiring approval by a yea and nay vote of two thirds of all of the members of the city council under section 1 of chapter 604 of the acts of 1941, as now or hereafter amended, unless the city clerk shall certify that such approval has been given and the date thereof.

## Historical Notes

Ord. 1972 c. 11 §3

## Cross Reference

St. 1941 c. 604 §1

Chapter 3 -- Assessing Department

## Sec.

100	Board, Appointment, Term, Divisions of Department
101	Powers and Duties of Commissioner of Assessing
102	Powers and Duties of Associate Commissioners of Assessing
103	Board of Review
104	Application for Abatement

---

§100 BOARD. APPOINTMENT, TERM, DIVISIONS OF DEPARTMENT

There shall be in the city a department, known as the Assessing Department, which shall be under the charge of a board consisting of an officer, known as the Commissioner of Assessing, appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, and of two other officers, known as Associate Commissioners of Assessing, each appointed by the mayor for a like term. The mayor shall from time to time by a writing filed with the city clerk designate one of the associate commissioners of assessing as the associate commissioner of assessing for motor vehicle excises and the other as the associate commissioner of assessing for poll taxes.

Said board shall divide the assessing department from time to time into a real estate appraisal division, a statistical research division, and such other divisions as said board shall adjudge necessary for the proper conduct of the department.

## Historical Notes

- Ord. 1958 c. 4 §3
- Ord. 1961 c. 1 §4
- Rev. Ord. 1961 (Sup. 1971) c. 5 §1
- By St. 1963 c. 160 the poll tax was abolished.

## Cross References

- Ordinances, Title 6 §150
- Ordinances, Title 14 §418

§101 POWERS AND DUTIES OF COMMISSIONER OF ASSESSING

The commissioner of assessing shall, for the assessing department including the board of review, exclusively have the power, and perform the duties, conferred or imposed by law on the assessor in existence immediately prior to the taking effect of this ordinance with respect to the acquisition and disposal of property, the making of contracts, and the appointment, suspension, discharge, compensation and indemnification of subordinates. The commissioner of assessing shall also have



the powers and perform the duties conferred or imposed by law on the assessor and the board of review in the assessing department in existence immediately prior to the taking effect of this ordinance with respect to taxes other than poll and motor vehicle excise taxes, and shall further have the powers and perform the duties from time to time conferred or imposed on assessors of cities in Massachusetts by general laws applicable to Boston with respect to taxes other than poll and motor vehicle excise taxes.

#### Historical Notes

Rev. Ord. 1961 c. 5 §1

Ord. 1961 (Sup. 1971) c. 1 §4

#### Cross Reference

G.L. c. 59

### §102

#### POWERS AND DUTIES OF ASSOCIATE COMMISSIONERS OF ASSESSING

The associate commissioners of assessing shall have the powers and perform the duties conferred or imposed by law on the assessor in existence immediately prior to the taking effect of this ordinance with respect, in the case of the associate commissioner of assessing for motor vehicle excises, to motor vehicle excise taxes, and in the case of the associate commissioner of assessing for poll taxes, to poll taxes, and shall also have the powers and perform the duties from time to time conferred or imposed on assessors of cities in Massachusetts by general laws applicable to Boston with respect, in the case of the associate commissioner of assessing for motor vehicle excises, to motor vehicle excise taxes, and in the case of the associate commissioner of assessing for poll taxes, to poll taxes. In addition, each associate commissioner of assessing may, at such time as he shall have been so authorized by written designation signed by the commissioner of assessing, approved by the mayor and filed with the city clerk and such authorization shall not have been revoked in like manner, exercise the powers and perform the duties of commissioner of assessing in relation to such matters as may be specified in such designation. In the event of the absence, disability or vacancy in office of an associate commissioner of assessing, the powers and duties conferred or imposed upon him by or under this section shall be exercised and performed by the other associate commissioner of assessing.

#### Historical Notes

Ord. 1961 c. 1 §4

Rev. Ord. 1961 (Sup. 1971) c. 5 §3

By St. 1963 c. 160 the poll tax was abolished.

#### Cross References

G.L. c. 59

G.L. c. 60A §2

### §103

#### BOARD OF REVIEW

There shall be in the assessing department a board, known as the Board of Review, consisting of (1) such person in the service of the real estate appraisal division of the assessing department as the mayor, by a writing filed with the city clerk after the commencement of a municipal year, shall designate to serve ex officio on said board at his pleasure during such year, who, while so

serving, shall be chairman of said board, (2) such person in the service of the statistical research division of the assessing department as the mayor in like manner shall designate to serve ex officio on said board at his pleasure during such year, and (3) such person as the mayor shall appoint from the public at large to serve on said board for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected.

It shall be the duty of the board of review to review every application for the abatement of a real estate or personal property tax and report to the commissioner of assessing its findings and recommendations with respect thereto, including such suggestion for settlement, if any, as, after discussion with the applicant, the board may think proper.

#### Historical Notes

Ord. 1961 c. 1 §4

Rev. Ord. 1961 (Sup. 1971) c. 5 §§2,4

### §104

#### APPLICATION FOR ABATEMENT

Every application for abatement filed with the assessing department shall be deemed to be filed with, and shall be forthwith transmitted to, in the case of an application for the abatement of a real estate or personal property tax, the commissioner of assessing, in the case of an application for the abatement of a motor vehicle excise tax, the associate commissioner of assessing for motor vehicle excises, and in the case of an application for the abatement of a poll tax, the associate commissioner of assessing for poll taxes.

#### Historical Notes

Ord. 1961 c. 1 §4

Rev. Ord. 1961 (Sup. 1971) c. 5 §§3,5

By St. 1963 c. 160 the poll tax was abolished.

Chapter 5 -- Treasury Department

Sec.

- 150 Collector-Treasurer. Appointment, Term, Powers and Duties
- 151 Divisions of Department; Appointment of Assistant Collector-Treasurers
- 152 Appointment of Deputy-Collectors
- 153 Bonds of Subordinates
- 154 Collection of Accounts by Collector-Treasurer
- 155 Custody and Deposit of Funds; Signing Bonds; Treasurer of Sinking Fund Commissioners
- 156 Payments of Money by Collector-Treasurer
- 157 Monthly Reports
- 158 Payments to Employees and Others
- 159 Disposition of Gifts, Bequests, Investment Thereof
- 160 Police Charitable Fund
- Board of Commissioners of Sinking Funds
- 161 Appointment, Term, Compensation, Powers and Duties

## §150 COLLECTOR-TREASURER. APPOINTMENT, TERM, POWERS AND DUTIES

There shall be in the city a department, known as the Treasury Department, which shall be under the charge of an officer, known as the Collector-treasurer, appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, who shall have the powers and perform the duties from time to time conferred or imposed on him by law, shall also have the powers and perform the duties conferred or imposed by law on the city collector and the city treasurer immediately prior to the taking effect of chapter 2 of the Ordinances of 1954 (including the powers and duties conferred or imposed by section 7 of chapter 434 of the acts of 1943), and shall further have the powers and perform the duties from time to time conferred or imposed on collectors of taxes and treasurers of cities in Massachusetts by general laws applicable to Boston.

## Historical Notes

- St. 1821 c. 110 §18
- St. 1854 c. 448 §42
- St. 1875 c. 176 §1
- St. 1909 c. 490 Part II
- St. 1912 c. 272
- Ord. 1954 c. 2 §64
- Ord. 1954 c. 6 §2
- Rev. Ord. 1961 c. 25 §1

## Cross References

- St. 1943 c. 434 §7
- Ordinances, Title 6 §100



## §151

## DIVISIONS OF DEPARTMENT; APPOINTMENT OF ASSISTANT COLLECTOR-TREASURERS

There shall be in the treasury department a treasury division and a collecting division; and the collector-treasurer shall, with the written approval of the mayor in each instance, appoint for each division a first assistant collector-treasurer and a second assistant collector-treasurer, each of whom shall be sworn to the faithful performance of his duties. The first assistant collector-treasurer for each division, and in the event of his absence or disability or of vacancy in his office the second assistant collector-treasurer for such division, shall have charge under the collector-treasurer of such division. Each of said assistant collector-treasurers shall perform under the direction of the collector-treasurer such other duties as shall from time to time be assigned to him by the collector-treasurer, and may, at such times as he shall have been so authorized by written designation signed by the collector-treasurer, approved by the mayor and filed with the city clerk and such authorization shall not have been revoked in like manner, exercise the powers and perform the duties of collector-treasurer in relation to such matters as may be specified in such designation; provided, that a second assistant collector-treasurer may be authorized to exercise all the powers and perform all the duties of the collector-treasurer only when there is absence or disability or vacancy in office in the case of the collector-treasurer, the first assistant collector-treasurer for the treasury division and the first assistant collector-treasurer for the collecting division.

## Historical Notes

Ord. 1954 c. 6 §1

Rev. Ord. 1961 c. 25 §2

## §152

## APPOINTMENT OF DEPUTY-COLLECTORS

The collector-treasurer may appoint such deputy collectors (including a chief deputy collector) as the service may be found to require, who shall have like power as the collector-treasurer to receive any tax, assessment, account, debt or claim payable to the city or county and to serve any bill, demand, notice or other paper of the collector-treasurer and make affidavit of the manner of such service, and, in addition thereto, shall have power to give notice of, serve and execute any warrant committed to him by the collector-treasurer under section 34 of chapter 60 of the General Laws, and in the service and execution thereof shall have all the powers and duties of a collector of taxes.

## Historical Note

Rev. Ord. 1961 c. 25 §3

## Cross Reference

G.L. c. 60 §34

## §153

## BONDS OF SUBORDINATES

The collector-treasurer shall require from each of his subordinates, before each enters upon the duties of his office or position and annually thereafter and at such other times as the collector-treasurer shall determine, for the faithful discharge of his duties and trusts and the safe custody and lawful disposition of all money and other property belonging to the city or county which may come into his possession, a bond running to the collector-treasurer with a surety company

authorized to transact business in Massachusetts as surety in the penal sum, in the case of an assistant collector-treasurer, of two hundred thousand dollars, and in the case of every other permanent employee, of not less than five, nor more than fifty, thousand dollars as the collector-treasurer shall in each case prescribe.

Historical Note

Rev. Ord. 1961 c. 25 §4

Cross Reference

Ordinances, Title 5 §§102,123

§154

COLLECTION OF ACCOUNTS BY COLLECTOR-TREASURER

The collector-treasurer shall collect and receive all taxes and assessments payable to the city or county, whether committed to him or outstanding at the time of his appointment. He shall also collect and receive all accounts, debts and claims payable to the city or county, and in the collection thereof shall have all the remedies provided by sections 35, 36 and 93 of chapter 60 of the General Laws. He shall further collect and receive, except where other provision is made, all other money to be paid to, or for the use of, the city or the county. He shall have custody of all leases from the city. He shall, whenever a water rate is paid, immediately notify the commissioner of public works of such payment.

Historical Notes

Ord. 1941 c. 6

Rev. Ord. 1961 c. 25 §5

Cross References

Ordinances, Title 6 §154

Ordinances, Title 11 §155

Statutes, Title 11 § §150,172,177

§155

CUSTODY AND DEPOSIT OF FUNDS; SIGNING BONDS; TREASURER OF SINKING FUND COMMISSIONERS

The collector-treasurer shall receive, receipt for, and have the care, and custody of, the current funds of the city from the time the same shall come into his possession, and also of all money, property, and securities which may come into his possession by virtue of any statute or ordinance, or as a gift, devise, bequest, or deposit; may deposit any portion of such current funds in such savings banks or trust companies organized under the laws of Massachusetts and doing business in Boston or such national banks doing business in Boston or such national bank or trust company in the city of New York, and on such conditions and rates of interest, as he shall deem best, subject to the approval of the mayor, provided, however, that no such deposit shall be made except in conformity with law; shall, with the mayor and the city auditor, sign all bonds and certificates of indebtedness issued by the city; shall preserve all bids for loans, and papers relating thereto; and shall, if elected, serve as treasurer of the board of commissioners of sinking funds. If the collector-treasurer is elected treasurer of said board, his bond as collector-treasurer shall apply to and include his duties as treasurer of said board. The collector-treasurer shall not be

eligible for appointment to said board.

Historical Note

Rev. Ord. 1961 c. 25 §6

Cross Reference

Ordinances, Title 6 §2

§156

PAYMENTS OF MONEY BY COLLECTOR-TREASURER

The collector-treasurer shall pay over to the board of commissioners of sinking funds all money received by him from assessments laid or to be laid on account of betterments from public improvements the expenses of which were paid for by the proceeds of loans, and all sums received from the sale or lease of city property purchased out of the proceeds of loans, except where provision to the contrary is made by statute or ordinance, to be by them credited to the sinking funds established for such loans, or in case of serial loans to be held by them toward paying the installments as they fall due. The collector-treasurer shall also pay all drafts, checks and other orders directed to him by the city auditor, in accordance with these ordinances, for the payment of bills and demands against the city; shall on presentation pay every execution against the city, when approved by the corporation counsel, even if the appropriation to which the execution is chargeable is not sufficient to meet it; shall pay on presentation when due all bonds issued by the city and the interest on the same; shall cancel all bonds and coupons and daily deliver to the city auditor the bonds and executions paid during the day; shall at the close of business on the last day of each month deliver to the city auditor the coupons paid during such month and a statement of the total amount paid for interest during such month and shall use and apply as the city council may direct all property, money and securities in his care and custody at the close of each financial year for the application of which no other provision has been made.

Historical Note

Rev. Ord. 1961 c. 25 §7

Cross References

Ordinances, Title 6 §3

Ordinances, Title 8 §500

§157

MONTHLY REPORTS

The collector-treasurer shall, on or before the tenth day of each month, render to the mayor a statement of the receipts and payments of the treasury department for the preceding month and a summary of the like items for the current financial year up to the close of the preceding month.

Historical Note

Rev. Ord. 1961 c. 25 §8



## §158 PAYMENTS TO EMPLOYEES AND OTHERS

The collector-treasurer may make payments to school teachers, school building custodians, policemen, witnesses, jurors, and persons employed in and about the various departments and institutions of the city and of the county, in such of the public buildings in the different sections of the city, or upon such public works, as he may designate, and as will best facilitate such payments and prevent the loss of time by the persons receiving them.

## Historical Note

Rev. Ord. 1961 c. 25 §9

## §159 DISPOSITION OF GIFTS, BEQUESTS, INVESTMENT THEREOF

The collector-treasurer, unless the donors have otherwise directed, shall receive all properties given, devised or bequeathed to, or deposited with, the city for any specific purpose, and shall use the same, or the income thereof, as designated in the gift, devise, bequest or deposit. If the income only is to be used, he shall hold the properties as permanent funds. He shall invest and keep invested the said permanent funds in conformity with section 54 of chapter 44 of the General Laws notwithstanding the last sentence thereof. For the purpose of investment and reinvestment he shall have power from time to time in his discretion to sell or exchange any of the securities of which any of the said permanent funds consist; but all purchases, exchanges and sales shall be with the written approval of the mayor.

## Historical Notes

Rev. Ord. 1961 c. 25 §10

Ord. 1972 c. 3

## Cross References

G.L. c. 44 § 53A, 54

Statutes, Title 3 §1

## §160 POLICE CHARITABLE FUND

The collector-treasurer shall use the income of the police charitable fund for the relief of persons in necessitous circumstances who shall be found by the police commissioner to have been honorably discharged from the police force by reason of sickness, age or other disability, or to be the widows or orphans of police officers who have died while in the service of the city; and may monthly pay to such persons the amount of such income determined and allowed by the police commissioner, with the approval of the mayor, on a monthly payroll sent to the city auditor.

## Historical Note

Rev. Ord. 1961 c. 25 §11

## Cross References

Ordinances, Title 6 §3

Ordinances, Title 11 §4

Board of Commissioners of Sinking Funds

§161

## APPOINTMENT, TERM, COMPENSATION, POWERS AND DUTIES

There shall be in the treasury department a board, known as the Board of Commissioners of Sinking Funds, consisting of six commissioners appointed by the mayor. As the term of any commissioner expires, his successor shall be appointed by the mayor for a term of three years. Vacancies in the board shall be filled by the mayor for the unexpired term. The members of the board of commissioners of sinking funds shall serve without compensation.

The board of commissioners of sinking funds shall not be subject to the supervision or control of the collector-treasurer; but unless otherwise ordered by the mayor, said board shall not communicate with the mayor, or make any annual or other report, except through the collector-treasurer.

The board of commissioners of sinking funds shall have the powers and perform the duties from time to time conferred or imposed on it by law, shall also have the powers and perform the duties conferred or imposed by law on the board of commissioners of sinking funds in existence immediately prior to the taking effect of chapter 2 of the Ordinances of 1954, and shall further have the powers and perform the duties from time to time conferred or imposed on sinking fund commissioners of cities in Massachusetts by general laws applicable to Boston. The board of commissioners of sinking funds shall, when a debt of the city becomes due, pay over to the collector-treasurer so much of the funds held as a sinking fund for such debt as may be required for the payment of such debt.

## Historical Notes

G.L. c. 41

Ord. Dec. 24, 1870

Ord. 1954 c. 2 §64

Rev. Ord. 1961 c. 25 §12

## Cross Reference

Ord. 1954 c. 2

Chapter 7 -- Appropriations and Loans

No Ordinances Apply. See Special Statutes.

Chapter 9 -- Finance Commission

No Ordinances Apply. See Special Statutes.





## TITLE 7

## ENVIRONMENTAL PROTECTION

Chap.		Sec.
1	Conservation Commission . . . . .	1
3	Air Pollution Control Commission . . . . .	50
5	Parks and Recreation Department . . . . .	100
7	Freedom Trail Commission . . . . .	150
9	Traffic and Parking Department . . . . .	200
11	Animal Control Commission . . . . .	300

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Chapter 1 - Conservation Commission

Sec.	
1	Composition of Board; Terms of Office
2	Powers and Duties
3	Duties of Public Facilities Commission and Public Improvement Commission

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§1 COMPOSITION OF BOARD; TERMS OF OFFICE

There shall be in the city a board, known as the Conservation Commission, consisting of the Commissioner of Parks and Recreation, ex officio, and six conservation commissioners, who shall be residents of the city, appointed by the mayor, of whom two shall be appointed from ten candidates nominated two each by the board of directors or like body of the following corporations or organizations: - the Massachusetts Audubon Society, Inc., the Massachusetts Forest and Park Association, the Massachusetts Roadside Council, The Trustees of Reservations, and the Eastern Massachusetts Group of the New England Chapter of the Sierra Club. As the term of any conservation commissioner expires, his successor shall be appointed in like manner for a term of three years. Any vacancy in the office of a conservation commissioner shall be filled in like manner for the unexpired term.

The mayor shall from time to time designate one of the conservation commissioners as chairman and another as vice-chairman. The commission shall elect a secretary who need not be a member of the commission.

The commissioners shall serve without compensation, and shall be deemed to be special municipal

employees for the purposes of chapter 268A of the General Laws.

#### Historical Notes

Ord. 1970 c. 10

Rev. Ord. 1961 (Sup. 1971) c. 10.1 §1

#### Cross References

G.L. c. 268A

Ordinances, Title 7 §100

## §2

### POWERS AND DUTIES

The conservation commission shall, subject to the provisions of the charter as that term is defined in clause Fifth of section 7 of chapter 4 of the General Laws, have the powers and perform the duties from time to time conferred or imposed on conservation commissions by section 8C of chapter 40 of the General Laws.

The commission, with the approval of the City Council, may from time to time promulgate, amend, and repeal regulations relative to the collection of recyclable materials. Such regulations shall be adopted only after public hearing and in consultation with the Commissioner of Public Works. The commission may, in its own discretion, grant or withhold a permit or permits allowing the collection of recyclable materials from places on or abutting public ways, which permit or permits may allow practices prohibited by Title 14 section 264 of the ordinances; provided, however, that before any such permit is issued the commission shall satisfy itself that the potential permittee will conduct such collection in a manner consistent with the protection of the public health and safety. No such permit shall be issued for a period greater than one year, and all shall be subject to revocation by the commission at any time. The commission may impose conditions and restrictions on permittees and may require the posting of security for faithful performance by a permittee.

#### Historical Notes

Rev. Ord. 1961 (Sup. 1971) c. 10.1 §2

Ord. 1973 c. 12 §1

#### Cross References

G.L. c. 4 §7

G.L. c. 40 §8C

## §3

### DUTIES OF PUBLIC FACILITIES COMMISSION AND PUBLIC IMPROVEMENT COMMISSION

The public facilities commission shall not transfer any land from the municipal purpose to which it is devoted at the time of transfer to any other municipal purpose unless not less than fourteen, nor more than ninety, days prior to transfer, the director of public facilities has given the conservation commission written notice of his intention to recommend such transfer; nor shall the public improvement commission lay-out, relocate, or widen any public way unless not less than fourteen, nor more than ninety, days prior to such laying out, relocation or widening, the



commissioner of public works has given the conservation commission written notice of his intention to recommend such laying-out, relocation or widening.

Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 10.1 §3

Cross References

Statutes, Title 8 §§11,12

Ordinances, Title 11 §158

Chapter 3 - Air Pollution Control Commission

Sec.

50 Appointment; Powers and Duties

## §50 APPOINTMENT; POWERS AND DUTIES

There shall be in the health and hospitals department a board, known as the Air Pollution Control Commission, consisting of the commissioner of health and hospitals, ex officio, and two members appointed by the mayor. The appointive members shall serve three years. As the term of any member expires, his successor shall be appointed by the mayor for a term of three years. Any vacancy in the office of an appointive member shall be filled by the mayor for the unexpired term. All members of the commission shall serve without compensation.

The air pollution control commission shall not be subject to the supervision or control of the board of health and hospitals or of commissioner of health and hospitals except as he acts as a member of the commission; but unless otherwise ordered by the mayor, the commission shall not communicate with the mayor, or make any annual or other report, except through the board of health and hospitals.

The air pollution control commission shall have full jurisdiction to regulate and control atmospheric pollution as now or hereafter provided in section 31C of chapter 111 of the General Laws.

The air pollution control commission shall have jurisdiction to investigate, control and abate noise from whatever source, and shall also have power, after due notice and a public hearing, to adopt noise level standards and to promulgate regulations, including regulations providing that no activity likely to produce unreasonable noise may be carried on unless a permit therefor is first obtained from the commission, which may specify in such permit the time or times within which, and the method by which, such activity is to be carried on. The commission may fix a fee of not less than ten dollars nor more than one hundred dollars for each permit issued by it.

The air pollution control commission shall have power to require the production of records and documents relevant to its work and to compel the attendance and testimony of witnesses before it.

## Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 15 §2

## Cross References

G.L. c. 111 §31C

Ordinances, Title 2 §350

Ordinances, Title 12 §1

Chapter 5 - Parks and Recreation Department

Sec.

- 100 Composition of Board
  - 101 Powers and Duties
  - 102 Control of Parks, Public Grounds, Baths, Beaches, Gymnasia and Convenience Stations
  - 103 Control of Portions of Post Office, Dock, and Faneuil Hall Squares
  - 104 Care of Flag Poles
  - 105 Music
  - 106 Trees
  - 107 Promulgation of Rules and Regulations, Fixing of Penalties
  - 108 Seats on Common and Public Garden for Use of Women and Children
  - 109 Restrictions on Park Frontages
  - 110 Permission for Construction Near Parks or Parkways
  - 111 Set-back Requirements
  - 112 Further Set-back Requirements
- Cemetery Division
- 113 Cemetery Division
  - 114 Deeds for Lots; Restrictions
  - 115 Agreement for Perpetual Care

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§100 COMPOSITION OF BOARD

There shall be in the city a department, known as the Parks and Recreation Department, which shall be under the charge of a board, known as the Parks and Recreation Commission, consisting of an officer, known as the Commissioner of Parks and Recreation, appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, who shall be chairman of the board, two other officers, respectively known as the Assistant Commissioner for Administration, and the Assistant Commissioner for Recreation, each likewise appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, and four other officers known as Associate Commissioners of Parks and Recreation, appointed by the mayor. As the term of any associate commissioner expires, his successor shall be appointed by the mayor for a term of four years. Any vacancy in the office of an associate commissioner shall be filled by the mayor for the unexpired term. The associate commissioners shall serve without pay.

## Historical Notes

- St. 1875 c. 185
- Ord. 1954 c. 2 §§36,37
- Ord. 1970 c. 8 §2
- Rev. Ord. 1961 (Sup. 1971) c. 19 §1

## Cross Reference

- Title 2 §350



## §101 POWERS AND DUTIES

The commissioner of parks and recreation shall exclusively have the powers, and perform the duties, of a department head with respect to the making of contracts and the appointment, suspension, discharge, compensation and indemnification of subordinates for the department; but otherwise the board shall have the powers and perform the duties from time to time conferred or imposed on boards of park commissioners of cities in Massachusetts by general laws applicable to Boston and, except as aforesaid, shall also have the powers and perform the duties conferred or imposed by law on the board of park commissioners and board of recreation in existence immediately prior to the taking effect of chapter 2 of the Ordinances of 1954. The board shall further have the powers and perform the duties from time to time conferred or imposed on it by law.

## Historical Notes

Ord. 1954 c. 2 §38

Rev. Ord. 1961 c. 19 §2

## Cross Reference

Ordinances, Title 11 §150

## §102 CONTROL OF PARKS, PUBLIC GROUNDS, BATHS, BEACHES, GYMNASIA AND CONVENIENCE STATIONS

The board shall construct, improve, equip, supervise, and regulate the use of, all parks, public grounds, playgrounds, baths and beaches formerly under the charge and control of the park commissioners, the superintendent of public grounds or the trustees of the bath department, or that hereafter may be placed in charge of the parks and recreation department, or that may be taken by purchase or otherwise; and such other parks, playgrounds, public grounds, ways, or means for outdoor recreation as may be placed in the charge of the department by the city, the board of metropolitan park commissioners, or the legislature, or in any other manner. The board shall construct, improve, equip, supervise, and regulate the use of, all gymnasias, bath houses, or other means for public recreation, now or hereafter provided by the city; and shall have the care, custody and control of, and shall construct, all urinals and public convenience stations upon park lands and public grounds.

## Historical Note

Rev. Ord. 1961 c. 19 §3

## §103 CONTROL OF PORTIONS OF POST OFFICE, DOCK, AND FANEUIL HALL SQUARES

Until otherwise provided, the parks and recreation commission shall improve, maintain, keep in repair, govern and regulate the portion of Post Office Square shown as "Existing Island" on Public Works Department (Survey Division) plan No. K-558A entitled "City of Boston -- Post Office Sq. -- Boston Proper -- May 20, 1957 -- George G. Hyland, Commissioner of Public Works," and also the portions of Dock and Faneuil Hall Squares lying within the circle with radius of fifteen feet and area of about seven hundred and seven square feet shown on Public Works Department Survey Division plan No. L-8626 entitled "City of Boston -- Dock Sq. -- Boston Proper -- June

20, 1955 -- George G. Hyland, Commissioner of Public Works."

Historical Notes

Ord. 1956 c. 5

Ord. 1957 c. 5

Rev. Ord. 1961 c. 19 §4

§104

CARE OF FLAG POLES

The board shall care for, maintain and, when necessary, replace all flag poles now or hereafter erected, and shall erect such other flag poles as may be hereafter provided for, on the Common, Public Garden, parks, playgrounds, golf courses, cemeteries, public grounds, public squares and other public places controlled by the city, except public buildings, and shall provide the necessary flags therefor and display them thereon in accordance with Title 1 section 208 of these ordinances.

Historical Notes

Ord. 1953 c. 4 §2

Rev. Ord. 1961 c. 19 §5

§105

MUSIC

The board shall have the charge and control of the selection of public music to be given for parades, concerts, public celebrations and other purposes under appropriations of the city council, and shall designate the persons to furnish the same.

Historical Notes

Ord. 1954 c. 2 §39

Rev. Ord. 1961 c. 19 §6

Cross Reference

Title 2 §451

§106

TREES

The commissioner of parks and recreation shall have the care and superintendence of all trees, plants and shrubs belonging to the city; shall trim all shade trees standing in the street so that they shall not interfere with public travel; shall carry out all orders of the commissioner of public works made after public notice and hearing to remove trees standing in the street; shall, upon request of the officer having charge of the public lamps, trim in such manner as said officer may require any tree which interferes with the proper lighting of a street; shall cause all statutes and ordinances for the protection of trees, shrubs and flowers in the public grounds and streets to be strictly observed; and shall be deemed to be the official having charge of shade trees within the meaning of chapter 87 of the General Laws.

Historical Notes

Ord. 1954 c. 2 §39

Ord. 1964 c. 3

Rev. Ord. 1961 (Sup. 1971) c. 19 §7

Cross References

G.L. c. 87

Statutes, Title 11 §§106,158,165,174

## §107 PROMULGATION OF RULES AND REGULATIONS, FIXING OF PENALTIES

The parks and recreation commission shall have the powers and duties conferred or imposed by section 5 of chapter 45 of the General Laws on boards of park commissioners of cities in Massachusetts and by section 3 of chapter 185 of the acts of 1875 on the board of park commissioners created by said chapter 185 to make rules and regulations for the government and use of the parks as defined in section 1 of said chapter 45 and of the parkways, playgrounds, streets, structures and other premises under its charge, and to fix penalties for breaches of such rules and regulations.

## Historical Notes

Ord. 1912 c. 10 §8

Ord. 1969 c. 3

Rev. Ord. 1961 (Sup. 1971) c. 19 §8

## Cross References

G.L. c. 45 §§1,5

St. 1875 c. 185 §3

## §108 SEATS ON COMMON AND PUBLIC GARDEN FOR USE OF WOMEN AND CHILDREN

The board shall set aside and suitably designate seats on the Common and Public Garden during the months of June, July, August and September of each year for the exclusive use of women and of children under the age of twelve years.

## Historical Note

Rev. Ord. 1961 c. 19 §9

## §109 RESTRICTIONS ON PARK FRONTAGES

No building or structure or any part thereof hereafter erected or altered on land which abuts on and has an entrance into and is within a distance of one hundred feet from the following: The Fens (excepting Charlesgate East and Charlesgate West from a point one hundred feet north from their intersection with Commonwealth avenue to Charles river); Riverway, including Park Drive, from Brookline avenue to Beacon street; Commonwealth avenue, from Arlington street to a line drawn parallel to and one hundred and thirty feet west of Charlesgate West, and from a line parallel to and one hundred and thirty-five feet south of the southerly line of Mt. Hood road, as extended across Commonwealth avenue, to the Newton line; Jamaicaaway; Olmsted Park; Arborway; Columbia road on the southerly side from Sumner street to Dorchester avenue, and from Buttonwood street to Marine Park, and on the northerly side from Boston street to Dorchester avenue, and from Buttonwood street to Marine Park, South Boston; shall be used for a livery or public stable or public garage, or for any mechanical, mercantile or manufacturing purposes, nor, excepting churches and chapels, shall the extreme height of said buildings or structures exceed seventy feet from the mean grade of the edgestone or sidewalk on the front facing said parkway, exclusive of such steeples, towers, domes, cornices, parapets, balustrades, sculptured ornaments, chimneys and roofs as the parks and recreation commission shall approve; and no roof on any of the aforementioned buildings shall be used for laundry or clothes-drying purposes; provided, however, that the provision restricting the extreme height of buildings to seventy feet from the mean grade of the edgestone or sidewalk shall not apply to buildings or structures or any part



thereof hereafter erected or altered on land which abuts on and has an entrance into and is within 100 feet from Commonwealth avenue between Chestnut Hill avenue and South street; and provided also that as to the lot of land at the southwest corner of Commonwealth avenue and Massachusetts avenue the prohibition of the use of building for mercantile purposes shall apply only to so much of any building erected thereon as lies within fifty feet of the southerly line of Commonwealth avenue; and provided further, however, that the prohibition of the use of building for mercantile purposes shall not apply to the lot of land on Ipswich street bounded by and making the northwest corner of Charlesgate West and Boylston street; provided further, however, that the prohibition of the use of any of said buildings and structures for a public garage and the restriction on the extreme height of said buildings or structures to 70 feet shall not apply to the lot of land bounded by the Riverway, Francis street, and Brookline avenue; and provided further, however, that for a distance of one hundred feet running westerly along Commonwealth avenue from the northwesterly and southwesterly corners of Commonwealth avenue here it intersects with Arlington street, Berkeley street, Clarendon street and Dartmouth street the following provisions shall apply, anything hereinbefore contained in this section to the contrary notwithstanding:

(1) buildings on the corners at the Arlington street intersection may be built to a height not exceeding two hundred and eighty-five feet to the top of the parapet or cornice line and buildings on the northwesterly and southwesterly corners at the Berkeley, Clarendon and Dartmouth street intersections may be built to a height not exceeding two hundred feet to the top of the parapet or cornice line;

(2) any building or portion of a building attached to or appurtenant to a building erected or altered to a height in excess of seventy feet on any of the aforementioned eight corners shall be built to a height not less than fifty feet;

(3) steeples, towers, domes, balustrades, sculptured ornaments, chimneys, roofs, aerials, antennae, elevator and mechanical penthouses, water tanks, monitors or other structures normally built above the roof and not devoted to human occupancy shall not be included in the computation of height of buildings for purposes of subparagraphs (1) and (2) above;

(4) the prohibition of use for mercantile purposes hereinbefore contained in this section shall not apply so as to prohibit in an apartment or apartment hotel building such accessory uses as newsstand, barber shop, dining room and similar services provided they are entered solely from within the building and no signs advertising such accessory uses shall be visible on the exterior of such building;

(5) no building or structure shall hereafter be erected or altered on any of the aforementioned eight corners without prior written approval by the Boston Redevelopment Authority of the exterior design of such building or structure. The Authority's review of such exterior design shall be concerned with such matters as the exterior facade, exterior materials, signs, the location of roof top structures described in subparagraph (3) above, building mass and its placement on the site, the relation of the building to architectural characteristics of Commonwealth avenue and the Back Bay, and adequacy of vehicular ingress and egress, if any. The purpose of this subparagraph (5) is to insure that new buildings shall, without limiting the dimensions and building volume permitted herein and under applicable zoning regulations, be of outstanding architectural character and harmonious with Commonwealth avenue and the Back Bay area.

#### Historical Notes

Ord. 1923 c. 8

Ord. 1941 c. 1

Ord. 1945 c. 13

Ord. 1953 c. 6 §1

Ord. 1954 c. 2 §80

Ord. 1961 c. 9

Ord. 1962 c. 12

Ord. 1965 c. 8

Rev. Ord. 1961 (Sup. 1971) c. 19 §10

## Cross References

St. 1938 c. 479

Ordinances, Title 9 §53

## §110

## PERMISSION FOR CONSTRUCTION NEAR PARKS OR PARKWAYS

No building or structure shall hereafter be erected or altered within a distance of one hundred feet from park or parkway in the city of Boston, without permission in writing having first been obtained from the parks and recreation commission.

## Historical Notes

Ord. 1954 c. 2 §81

Rev. Ord. 1961 c. 19 §11

## §111

## SET-BACK REQUIREMENTS

No building shall be erected or placed upon premises within the following distances from the following parks and parkways: Riverway, from Fenway to Huntington avenue, twenty feet; Jamaicaaway, from Huntington avenue to Perkins street, twenty feet; Jamaicaaway, from Perkins street to Prince street, twenty-five feet; Arborway, from Prince street to Washington street, twenty-five feet; Arborway, north side, from Washington street to Franklin Park, twenty-five feet; Arborway, south side, from Washington street to Franklin Park, ten feet; Olmsted Park along the northwesterly boundary, from Chestnut street to Francis Parkman Drive, twenty feet; Park drive on the Riverway, from Brookline avenue to Boston and Albany Railroad, twenty feet; Park drive on the Riverway, from Boston and Albany Railroad to Beacon street, fifteen feet; Commonwealth avenue, from Arlington street to Beacon street, twenty feet; the Fens, twenty feet (excepting Charlesgate East from Boylston street to the Charles river, and Charlesgate West from Boston and Albany Railroad to the Charles river, and Boylston street, south side, from Hemenway street to Fenway); Charlesgate East from Boylston street to Ipswich street, ten feet; and Boylston street, south side, from Hemenway street to Fenway, fifteen feet; provided that steps, windows, porticos and other usual projections appurtenant to the front wall of a building shall be allowed where there is a reserved space; that no projections in the nature of a bay window, corner bay, circular front, or octagon front, with the foundation wall sustaining the same (such foundation wall being a projection of the front wall), shall be allowed (excepting oriel windows above the first story on a street corner), unless any horizontal sections of such projections would fall within the external lines of trapezoids, the sum of whose bases upon the rear line of the aforesaid space does not exceed seven tenths of the whole front of the building, and the base of any one of which trapezoids does not exceed eighteen feet, and whose side lines make an angle of forty-five degrees with the base; and each house in a block shall be considered a separate building within the meaning of this section; provided, however, that the provisions hereof shall not apply to the lot of land on Ipswich street bounded by and making the northwest corner of Charlesgate West and Boylston street.

## Historical Notes

Ord. 1949 c. 1

Ord. 1953 c. 6 §2

Rev. Ord. 1961 c. 19 §12

## §112 FURTHER SET-BACK REQUIREMENTS

No building shall be erected or placed upon premises within twenty feet from the exterior line of parks and parkways, on the Dorchesterway and Strandway, except from Preble street to Old Harbor street and except from P street to Farragut road; provided, that steps, windows, porticos and other usual projections appurtenant to the front wall of a building are to be allowed in this reserved space of twenty feet, subject to the following limitations, viz.: First, that no projections of any kind (other than doorsteps and balustrades connected therewith, and also piazzas projecting not more than eight feet) shall extend more than five feet from the rear line of the aforesaid space; second, that no projections in the nature of a bay window, corner bay, circular front, or octagon front, with the foundation wall sustaining the same (such foundation wall being a projection of the front wall), will be allowed (excepting oriel windows above the first story on a street corner), unless any horizontal sections of such projections would fall within the external lines of trapezoids, the sum of whose bases upon the rear line of the aforesaid space does not exceed seven tenths of the whole front of the building, and the base of any one of which trapezoids does not exceed eighteen feet, and whose side lines make an angle of forty-five degrees with the base; and each house in a block shall be considered a separate building within the meaning of this limitation.

## Historical Notes

Ord. 1939 c. 3

Ord. 1949 c. 2

Rev. Ord. 1961 c. 19 §13

## Cross Reference

St. 1938 c. 479 (Boston Building Code)

Cemetery Division

## §113 CEMETERY DIVISION

The board shall exercise the powers and perform the duties provided by statute or ordinance to be exercised and performed by the trustees of the cemetery department, and shall create a division to be known as the cemetery division of the parks and recreation department.

## Historical Notes

Ord. 1920 c. 13

Ord. 1954 c. 2 §40

Rev. Ord. 1961 c. 19 §14

## §114 DEEDS FOR LOTS; RESTRICTIONS

The board may determine the payments to be made for cemetery lots, or for the perpetual or other care thereof. The chairman of the board, after payment therefor has been made to its secretary, may execute and deliver to the person or persons by or for whom the payment has been made, a deed of the city conveying the exclusive right of burial of human dead in, and of placing and maintaining tombs, cenotaphs and monuments, authorized by the board or officer having, at the time of placing the same, charge of the cemetery, upon the lot or subdivision described in the deed, and shall cause the deed to be recorded in the office of the board. Every such conveyance



shall be subject to the following restrictions, or such other regulations and restrictions relating to said cemetery or the lots therein as shall from time to time be established by the city by ordinance.

Restrictions:

First. The owner shall use the lot only for the purposes stated in his deed thereof.

Second. The owner shall not, for hire, deposit or allow to be deposited in said lot the remains of any person.

Third. The owner shall not, without the consent of said board or officer, remove, or allow to be removed, the remains of any person deposited in said lot.

Fourth. The owner shall not, without the consent of said board or officer, place or allow to be placed on, or remove or allow to be removed from, said lot any tomb, cenotaph or monument, or any hedge, tree, fence, curb, or other ornament.

Fifth. The owner shall remove from the cemetery any unauthorized structure or other thing on said lot and said board or officer may so remove at the expense of the owner any such structure or other thing, or any tree, shrubs, flower, fence, curb, or other ornament not removed within the time stated in a notice from said board or officer; and the owner shall comply with all rules and regulations of said board or officer relating to said cemetery or lot.

Sixth. The owner shall convey said lot only as a whole, and shall never divide said lot, and if there are two or more owners they shall designate in writing one of their number to represent the lot, and while they neglect so to do said board or officer may designate the one to represent the lot.

Historical Note

Rev. Ord. 1961 c. 19 §15

§115

AGREEMENT FOR PERPETUAL CARE

The chairman of the board, after payment to the collector-treasurer for the city, for keeping in repair any lot in any cemetery or other burial-ground owned by the city, may execute and deliver to the person by or for whom the payment has been made an agreement that the city shall keep the lot, and the structures and grass thereon, in a good and neat condition forever, or during the period specified in the agreement, so far as the same can be done by the expenditure of an amount equal to four per cent per annum of the amount of money so paid from the time of such payment; and the board shall cause all such agreements to be faithfully carried out.

Historical Notes

Ord. 1954 c. 2 §41

Rev. Ord. 1961 c. 19 §16

Chapter 7 -- Freedom Trail Commission  
No Ordinances Apply. See Special Statutes.

Chapter 9 -- Traffic and Parking Department

Sec.

- 200 Establishment of Department
- 201 Commissioner to Place Street Signs
- 202 Removal of Stolen Motor Vehicles

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§200 ESTABLISHMENT OF DEPARTMENT

There shall be in the city a department, known as the Traffic and Parking Department, as provided in the charter as that term is defined in clause Fifth of section 7 of chapter 4 of the General Laws.

Historical Notes

- Ord. 1960 c. 10 §1
- Ord. 1962 c. 9 §§4,5,6
- Rev. Ord. 1961 (Sup. 1971) c. 24 §1

Cross Reference

- G.L. c. 4 §7 Clause Fifth

§201 COMMISSIONER TO PLACE STREET SIGNS

The commissioner of traffic and parking shall place and maintain in one or more suitable, conspicuous places, to be selected by him, on each street in the city, one or more signs showing the name of the street.

Historical Notes

- Ord. 1962 c. 9 §§4,5,6
- Rev. Ord. 1961 (Sup. 1971) c. 24 §2

Cross References

- Ordinances, Title 8 §500
- Ordinances, Title 11 Chapter 5

## §202 REMOVAL OF STOLEN MOTOR VEHICLES

The traffic and parking commission, by any rule or regulation adopted under this section, may authorize, with such limitations, if any, as the commission may think proper, the police commissioner of the city, or such sergeants or officers of higher rank in the police department of the city as he may from time to time designate, to remove to some convenient place, through the agency of a person or persons in the employ of the police department of the city, or by an independent contractor selected on the basis of competitive bids invited by advertisement in the City Record, as said police commissioner shall from time to time determine, any stolen or misappropriated motor vehicle when the owner of record has requested such removal. Any rule or regulation adopted under this section shall be in no way inconsistent with chapter 263 of the Acts of 1929, as amended.

## Historical Note

Ord. 1973 c. 8

## Cross References

St. 1929 c. 263

Ordinances, Title 2 §650

Statutes, Title 11 §25



Chapter 11 -- Animal Control Commission

Sec.

- 300 Commissioners. Appointment, Term, Compensation, Etc.  
301 Powers and Duties of Commission  
302 Animal Spay and Neuter Clinic
- 

## § 300 COMMISSIONER. APPOINTMENT, TERM, COMPENSATION, ETC.

There shall be in the city a commission, known as the Animal Control Commission, consisting of the commissioner of health and hospitals, the police commissioner, and the commissioner of parks and recreation, or their respective designees, the dog officer or the president of the domestic charitable corporation from time to time performing by contract the duties of dog officer in accordance with section 151 of chapter 140 of the General Laws, or the designee of such dog officer or of the president of such corporation, and nine persons appointed by the mayor from the public at large each for a term expiring on the first Monday of the January following the next biennial election at which a mayor is elected. At least one of the persons so appointed by the mayor shall be a registered veterinarian authorized to practice veterinary medicine in the Commonwealth of Massachusetts. Any vacancy in the office of a member of the commission shall be filled by the mayor for the unexpired term. Members of the commission shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Members of the commission are hereby classified as special municipal employees for the purposes of chapter 268A of the General Laws.

The mayor shall from time to time designate one of the members of the commission as chairman. The commission shall elect a vice-chairman by majority vote. The mayor shall designate a full-time executive secretary of the commission. Subject to the availability of an appropriation therefor, the commission may appoint such additional officers, agents, or servants as may be necessary to enable it to perform its duties.

## Historical Note

Ord. 1972 c. 16 §1

## Cross References

Ordinances, Title 2 §350  
Ordinances, Title 5 §102  
Ordinances, Title 14 §500  
G.L. c. 140 §151  
G.L. c. 268A

## § 301 POWERS AND DUTIES OF COMMISSION

The animal control commission shall meet at least once each month; shall coordinate to the fullest extent possible the work of all public and private agencies concerned with animal care, protection,

and control; shall effect an ongoing dialogue and exchange of views between and among such agencies; may conduct either independently or in conjunction with any appropriate person or agency, public or private, such educational programs relating to animal control as it shall deem necessary or desirable; shall collect and publish statistics relating to the animal population of the city; shall determine the city's needs in connection with animal control; shall prepare and may from time to time amend a long-range plan to meet such needs; shall prepare estimates of the cost of executing such plan and the several component measures thereof; shall recommend to the appropriate boards and officers of the city such actions as may be necessary for the implementation of such plan; and shall monitor the carrying out of such actions.

Historical Note

Ord. 1972 c. 16 §2

§ 302

ANIMAL SPAY AND NEUTER CLINIC

The Animal Control Commission shall establish and maintain a clinic in the city at one or more locations for the purpose of offering to residents the services commonly called spaying and neutering of animals, and which shall be known as the Boston Animal Spay and Neuter Clinic. The clinic shall be under the charge of a director, who shall be a registered veterinarian authorized to practice veterinary medicine in the Commonwealth of Massachusetts. Fees for the services of the clinic shall be fixed by ordinance. Any person seeking such service shall in writing certify his ownership of the animal, shall in writing agree to hold harmless the director and employees of the clinic, and the city for any death of or injury to such animal. Any dog not licensed shall be licensed prior to being retrieved by its owner. Any animal not retrieved by its owner may be disposed of by the director in accordance with the provisions of section 151A of chapter 140 of the general laws except by the use of firearms.

Historical Note

Ord. 1975 c. 16

## TITLE 8

## DEVELOPMENT

Chap.		Sec.
1	Public Facilities Department . . . . .	1
3	Boston Redevelopment Authority . . . . .	100
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Chapter 1 -- Public Facilities Department

Sec.	
1	Power to Designate Community Schools
2	Community School Programs
3	Community School Councils
4	Maintenance and Repair Powers of School Committee
	<u>Boston Urban Homestead Program</u>
5	Preamble
6	Urban Homestead Program
7	Powers and Duties of Committee
8	Application for Lease
9	Decisions by Committee
10	Consent of Committee
11	Cooperation by Committee, Building Commissioner and Commissioner of Housing Inspection
12	Preference in Selecting Prospective Purchasers



## §1 POWER TO DESIGNATE COMMUNITY SCHOOLS

In addition to the powers conferred upon it by chapter 642 of the Acts of 1966, the Public Facilities Commission shall have the power to designate as a Community School any schoolhouse constructed, reconstructed, or remodeled under the provisions of section 3(c) of said chapter 642. Such power shall be exercised before the care, custody, and control of any such schoolhouse shall have been transferred to the School Committee. The Public Facilities Commission shall also have the power, with approval of the School Committee, to designate as a Community School any schoolhouse the care, custody, and control whereof shall have been transferred to or shall rest with the School Committee, whether or not such schoolhouse was constructed, reconstructed, or remodeled under the provisions of said section 3(c).

### Historical Note

Ord. 1972 c. 18

### Cross References

St. 1966 c. 642 §3(c)

Ordinances, Title 15 Chapter 1

## §2 COMMUNITY SCHOOL PROGRAMS

The Public Facilities Commission shall further have the power to conduct a Community School Program in any schoolhouse designated as a Community School whether or not the care, custody, and control thereof shall have been transferred to or shall rest with the School Committee, and for such purpose may exercise any power conferred upon it by chapter 642 of the Acts of 1966. Without limitation on the generality of the foregoing the Public Facilities Commission may for the purpose of conducting a Community School Program at any schoolhouse designated as a Community School make, with the approval of the Mayor, such agreements or contracts with persons, firms, corporations, and governmental agencies, including the School Committee, as may be necessary or convenient for the carrying out of such Community School Program, and said Public Facilities Commission shall exercise its power hereunder in cooperation with the School Committee and other affected departments of the city. These departments shall include, but not be limited to, the Parks and Recreation Department, the Mayor's Office of Human Rights, the Youth Activities Commission, and the Office of Cultural Affairs.

### Historical Note

Ord. 1972 c. 18

### Cross References

St. 1966 c. 642

Ordinances, Title 2 Chapter 7

Ordinances, Title 7 Chapter 5

Ordinances, Title 12 Chapter 11

Ordinances, Title 15 Chapter 1

## §3 COMMUNITY SCHOOL COUNCILS

The Public Facilities Commission shall establish, in conjunction with representatives designated by existing Community School Councils, guidelines for the creation and implementation of Community

School Councils in each area served by a Community School. These councils are to be composed of individuals representative of the residents of the area and the users of the facilities of the school. The Public Facilities Commission shall recognize such a Community School Council and will accept and act on recommendations from such councils in matters relating to personnel, program, and budget, as well as in areas of general policy. The Public Facilities Commission shall, within thirty days after the receipt of recommendations in writing from a Community School Council, notify such Community School Council as to the adoption or rejection of such recommendations, and shall inform such Community School Council of a timetable for the implementation of adopted recommendations; community involvement in the decision-making process shall apply to every phase of the Community School Program.

Historical Note

Ord. 1972 c. 18

§4

MAINTENANCE AND REPAIR POWERS OF SCHOOL COMMITTEE

Nothing in this ordinance shall be interpreted as abridging the exclusive power and authority of the School Committee to perform necessary alterations (as defined in section 3 of chapter 642 of the Acts of 1966), maintenance, and repairs of public school buildings and their yards and furnishings, nor the employment of schoolhouse custodians.

Historical Note

Ord. 1972 c. 18

Cross Reference

Ordinances, Title 15 Chapter 1

Boston Urban Homestead Program

§5

PREAMBLE

Be it ordained by the City Council of Boston, as follows:

Whereas, the Boston City Council has previously declared the existence of a serious emergency with respect to the housing of a substantial number of the citizens of Boston; and

Whereas, the deterioration and demolition of existing housing units and an insufficient supply of new housing units have resulted in a substantial and critical shortage of safe, decent, and affordable housing accommodations; and

Whereas, vacant and abandoned structures tend to blight residential neighborhoods, damage the city's tax base, endanger the safety of the public at large, present an especial hazard to fire fighters and others who must enter these structures in the public convenience, result in considerable expense to the city in inspecting, boarding, and demolition; and

Whereas, the city has acquired many such structures by foreclosure for unpaid taxes, charges, liens, etc.; and

Whereas, the present disposition of such properties by the city has not effectively resulted in the rehabilitation of such structures; and

Whereas, the rehabilitation of such structures would tend to result in an increase in the housing stock, an increase in the tax base of the city, preservation of the rights guaranteed by the Ninety-seventh Article of Amendment to the Massachusetts Constitution, savings of public tax

monies, and protection of the public order, health, and safety; now, therefore, be it

Declared by the City Council of Boston that the conduct of an Urban Homestead Program, as follows, is a valid and necessary public purpose agreeable to the laws of the Commonwealth, and be it **ORDAINED** by the City Council of the City of Boston as follows.

Historical Note

Ord. 1973 c. 13

§6

**URBAN HOMESTEAD PROGRAM**

There shall be, within the Public Facilities Commission created by chapter 642 of the Acts of 1966, a committee to be known as the Boston Urban Homestead Committee, which shall consist of all the members of the said commission, the City Auditor or his designee, one member appointed by the Mayor for a term of five years from two nominees of the Greater Boston Real Estate Board, one member regularly employed as a mortgage-lending officer of an institution subject to the terms of section 52 of chapter 167 of the General Laws to be appointed by the Mayor for a period of five years, the Commissioner of Real Property or his designee, and two low-income residents of the city appointed by the Mayor for a term of five years who neither own, directly or indirectly, or manage real property to a greater extent than three housing units. The members appointed by the Mayor (except for those serving ex officio) shall be deemed to be Special Municipal Employees for the purposes of chapter 268A of the General Laws. All members shall serve without compensation. Any vacancy shall be filled in like manner as the member vacating the appointment, for a similar term as the original appointee. The director of the commission shall serve as director of the committee, without further compensation.

Historical Note

Ord. 1973 c. 13

Cross References

St. 1966 c. 642

G.L. c. 167 §52

Ordinances, Title 5 §115

Ordinances, Title 6 Chapter 1

Ordinances, Title 8 Chapter 1

Ordinances, Title 11 §250

§7

**POWERS AND DUTIES OF COMMITTEE**

The said committee shall from time to time prepare and distribute lists of city-owned residential structures, which for the purposes of this ordinance shall be determined to be buildings containing at least one and not more than four dwelling units, and not more than one business or commercial unit. Upon application of any person who is a bona fide resident of the City of Boston, or on its own initiative, the committee shall determine whether any such structure is suitable for rehabilitation under the Urban Homestead Program. In the event that the committee determines the structure suitable it shall request the commission to assume the care, custody, and control of the same from the Real Property Department and, if in the opinion of the commission the same is not needed for municipal purposes nor likely to be used for a public purpose, the structure (and the parcel of land on which it is situate) shall be declared available for lease and sale under the provisions of the Urban Homestead Program. The said committee shall prepare, and from time



to time amend, a standard leasehold agreement to be executed for consideration of \$1.00 by individuals taking an interest in any such structure. Every such agreement shall provide that the lessee shall reside in the demised structure for a period of not less than five years from the date that the Commissioner of Housing Inspection shall certify the same to be in compliance with the State Sanitary Code as applies to residential structures and the Building Commissioner shall certify the same to be in compliance with the terms of the building code then in effect (considering any allowances the code may make for preexisting conditions or construction), whichever is later. The said agreement shall provide that, unless the committee shall extend the time, the lessee shall do everything necessary to secure such certificates, and shall actually obtain such certificates, within eighteen months of the execution of such agreement. The said agreement shall further provide that no tax or payment in lieu of tax shall be due to the city for a period of sixty months after execution, and that a payment in lieu of tax, approximately equal to one-twelfth of the tax that would ordinarily be assessed on that building in the then-current year, shall be payable to the city as an ordinary debt of the lessee for each month over sixty months that the lease is in effect, and that the city shall, at the end of the month of December following the expiration of sixty months from the later of the dates of certificate, execute and deliver to the lessee for a consideration of \$1.00 a deed conveying title in fee simple to said premises. In the event that a lessee has obtained a mortgage from an institution subject to the terms of section 52 of chapter 167 of the General Laws, and has used the proceeds thereof solely for the purposes of rehabilitating said premises, the city shall agree to subjugate its rights to said premises in case of default, and shall agree that in such case it will execute and deliver a deed conveying title in fee simple to such institution, provided that the said institution shall dispose of such property in like manner as foreclosed real estate and shall pay over any part of the proceeds of such disposition as shall exceed the amount remaining to be paid on account of such a mortgage, together with the actual cost of such sale, to the City of Boston. The committee shall from time to time, with the approval of the Mayor and City Council, promulgate, amend, and repeal reasonable regulations for the conduct of the Urban Homestead Program not inconsistent with this section. The aforementioned leasehold agreement shall be in a form approved by the Mayor and City Council and shall be executed by the said commission in the name of the city without further approval of any board, officer, or of the City Council. The committee may, without further approval, accept by gift, title to any property situate in Boston it deems suitable for the Urban Homestead Program provided the same is conveyed to it clear of any mortgage, lien, attachment, or other encumbrance which would prevent the lease or conveyance of the same as aforesaid.

#### Historical Note

Ord. 1973 c. 13 §2

#### Cross References

Ordinances, Title 2 Chapters 7,9

Ordinances, Title 3 Chapter 1

Ordinances, Title 9 Chapter 1

Ordinances, Title 11 §255

St. 1938 c. 479

#### APPLICATION FOR LEASE

The committee shall receive from any person, except any person who has in the five years next preceding owned, directly or indirectly, any parcel of land in the City of Boston which was subject of a taking by the said city, duly recorded in the Suffolk Registry of Deeds, by reason of

nonpayment of a tax or lawful charge or assessment, applications for participation in the Urban Homestead Program. The committee shall satisfy itself that the applicant has the ability to rehabilitate the structure which the applicant proposes to lease. In arriving at its determination, the committee shall consider the following: (a) the condition of the structure, (b) the personal abilities of the applicant, (c) assets of the applicant, (d) mortgage commitments, (e) availability of financing. In the event the committee so satisfies itself, it shall declare the applicant eligible to lease the structure applied for.

Historical Note

Ord. 1973 c. 13 §3

§9 DECISIONS BY COMMITTEE

In the event that only one person has made application for a particular structure, and has been found eligible to lease the same, the committee shall execute and deliver a lease as aforesaid, and, in the event that more than one applicant has been determined to be so eligible to lease a particular building, the said committee shall conduct a drawing by lot, open to the public, and shall execute and deliver a lease to that applicant so selected, provided however, that no lease shall be executed unless the particular property to be so demised has been advertised in a newspaper of general circulation in the city at least twice, seven days apart, the second advertisement to be published at least fourteen days before the last date for applications to be filed.

Historical Note

Ord. 1973 c. 13 §4

§10 CONSENT OF COMMITTEE

Any lease given hereunder may be assigned with the consent of the committee, which shall not be unreasonably withheld. The committee may terminate a lease or make other equitable adjustment in the case of death or disability of the lessee.

Historical Note

Ord. 1973 c. 13 §5

§11 COOPERATION BY COMMITTEE, BUILDING COMMISSIONER, AND COMMISSIONER OF HOUSING INSPECTION

The Building Commissioner and the Commissioner of Housing Inspection shall offer all reasonable assistance to lessees hereunder and the committee, which assistance, without limiting the generality of the foregoing, shall include periodic inspection of the premises, the issuance of certificates as aforesaid, technical assistance in the preparation of building permit applications, consultation on applicable law, rehabilitation procedures and technique.

Historical Note

Ord. 1973 c. 13 §6

Cross References

Ordinances, Title 9 Chapter 1  
Statutes, Title 9 §§50,56,57

## §12 PREFERENCE IN SELECTING PROSPECTIVE PURCHASERS

In the selection of the prospective purchasers of the buildings which are the subject of this ordinance, preference shall be given to the bona fide resident applicants of the neighborhood in which the building is situated. If there are no applicants from the neighborhood in which the building is situated, then the selecting authority may select any resident applicant of Boston as a purchaser, the selection of these prospective applicants to be subject to the approval of a local Selection Board appointed by the Mayor of the City of Boston.

## Historical Note

Ord. 1973 c. 13 §7



Chapter 3 -- Boston Redevelopment Authority  
No Ordinances Apply. See Special Statutes.

Chapter 5 -- Economic Development and Industrial Corporation  
No Ordinances Apply. See Special Statutes.

Chapter 7 -- Development and Industrial Commission

Sec.

300	Composition of Board
301	Executive Director, Employees
302	Powers and Duties

---

§300 COMPOSITION OF BOARD

There shall be in the city a board, known as the Development and Industrial Commission, consisting of fifteen commissioners appointed by the mayor. The development and industrial commissioners shall serve for a term of five years. As the term of any commissioner expires, his successor shall be appointed by the mayor for a term of five years. Any vacancy in the office of a commissioner shall be filled by the mayor for the unexpired term.

The mayor shall from time to time designate one of the commissioners as chairman and the other as vice-chairman. The commission shall elect a secretary who need not be a commissioner.

The commissioners shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The commissioners shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws.

Historical Notes

Ord. 1969 c. 2  
Rev. Ord. 1961 (Sup. 1971) c. 10B §1

Cross References

G.L. c. 268A  
Ordinances, Title 2 Chapter 7

## §301 EXECUTIVE DIRECTOR, EMPLOYEES

The mayor may, upon nomination of the development and industrial commission, appoint an executive director for such commission, who shall serve at the pleasure of the mayor and receive such compensation for his services as the commission, with the approval of the mayor, shall from time to time determine. The commission may employ such other experts, assistants and employees as the commission may think necessary or expedient.

## Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 10B §2

## Cross Reference

Ordinances, Title 2 Chapter 7

## §302 POWERS AND DUTIES

The development and industrial commission shall conduct research into industrial conditions, investigate and assist in the establishment of educational or commercial projects, including projects involving private enterprise, for the purpose of expanding or strengthening the local economy, and shall seek to coordinate the activities of unofficial bodies organized for said purposes, and may advertise, prepare, print and distribute books, maps, charts, and pamphlets which in its judgment will further the purposes for which it is established. The commission shall have such other powers and perform such other duties as may from time to time be conferred or imposed by section 8A of chapter 40 of the General Laws.

## Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 10B §3

## Cross Reference

G.L. c. 40 §8A

Chapter 9 -- Industrial Development Financing Authority  
No Ordinances Apply. See Special Statutes.

Chapter 11 -- Public Improvement Commission

Sec.

500 Composition of Board; Powers and Duties

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§500 COMPOSITION OF BOARD; POWERS AND DUTIES

There shall be in the public works department a board known as the Public Improvement Commission, consisting of the commissioner of public works, the commissioner of real property and the commissioner of traffic and parking, ex officio. The public improvement commission shall not be subject to the supervision or control of the commissioner of public works except as he acts as a member of said commission; but unless otherwise ordered by the mayor, the public improvement commission shall not communicate with the mayor, or make any annual or other report, except through the commissioner of public works. The public improvement commission shall have all powers and perform all duties conferred or imposed by statute on the board of street commissioners except (a) those conferred or imposed on the committee on licenses in the public safety commission by Title 14, §50 of these ordinances, (b) those conferred or imposed on the commissioner of public works by Title 11, §150, and (c) those conferred or imposed on the real property board by Title 11, §250 of these ordinances.

Historical Notes

Ord. 1954 c. 2 §57

Ord. 1962 c. 9 §3

Rev. Ord. 1961 (Sup. 1971) c. 21 §36

Cross References

Statutes, Title 7 §201

Statutes, Title 11 Chapters 1,5,7

Statutes, Title 14 Chapter 3



Chapter 13 -- Model City Agency

Sec.

600 Model City Agency; Establishment

601 Model Neighborhood Board

---

§ 600 MODEL CITY AGENCY; ESTABLISHMENT

There shall be in the city until July first, nineteen hundred and seventy-five, an agency, known as the Model City Agency, which shall be under the charge of an officer, known as the Model City Administrator, appointed by the mayor as hereinafter provided for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected and thereafter until his successor is appointed and qualified. The model city administrator shall receive such annual salary as shall from time to time be fixed by the mayor. The model city administrator shall have full power and responsibility to administer and carry out in this city the comprehensive city demonstration program under the federal Demonstration Cities and Metropolitan Development Act of 1966 as heretofore or hereafter supplemented or amended.

The mayor may also appoint for a like term a deputy model city administrator, who shall, if the model city administrator is temporarily unable to perform his duties by reason of absence, illness or other cause, have the powers and perform the duties of such administrator until such disability ceases. The deputy model city administrator shall receive such annual salary as shall from time to time be fixed by the mayor, and shall perform such other duties as the model city administrator shall from time to time assign.

Historical Note

Ord. 1969 c.16

## § 601 MODEL NEIGHBORHOOD BOARD

There shall also be in the city until July first, nineteen hundred and seventy-five, a board, known as the Model Neighborhood Board, which shall be the official community representative of the model neighborhood area, which is the same area as was defined for the purposes of the comprehensive city demonstration program carried out under the Federal Demonstration Cities and Metropolitan Development Act of 1966, as amended. The Model Neighborhood Board shall consist of eighteen residents of the model neighborhood area elected as follows:

In the case of three members, who shall be known as Sub-Area I representatives, by the residents of the model neighborhood within precincts 4,5,6 and 7 in Ward 11; in the case of three other members, who shall be known as Sub-Area II representatives, by the residents of the model neighborhood within precincts 4 and 5 in Ward 9 and precincts 1 and 2 in Ward 11; in the case of three other members, who shall be known as Sub-Area III representatives, by the residents of the model neighborhood within precincts 3,4, and 7 in Ward 8 and precincts 1 and 4 in Ward 12; in the case of three other members who shall be known as Sub-Area IV representatives, by the residents of the model neighborhood within precincts 5 and 6 in Ward 8 and precincts

1,2, and 4 in Ward 13; in the case of three other members, who shall be known as Sub-Area V representatives, by the residents of the model neighborhood within precincts 2 and 6 in Ward 12, precinct 1 in Ward 13, and precincts 1 and 3 in Ward 14; and in the case of the three remaining members, who shall be known as Sub-Area VI representatives, by the residents of the model neighborhood within precincts 2, 4,6,7, and 9 in Ward 14; provided, however, that the initial members of said board shall be the persons elected at the most recent election held under chapter 16 of the Ordinances of 1969, as amended, who shall hold office until their successors shall have been elected and qualified. On the fourth Tuesday in June, 1974, an election shall be conducted at all of the regular polling places within those precincts by the Board of Election Commissioners at which residents of the model neighborhood area within said precincts as determined by the then latest listing of the listing board shall elect persons to serve as members of the Model Neighborhood Board from July 1, 1974, until July 1, 1975. The cost of this election shall be paid from Model City Funds. Each member elected hereby shall be a resident of the sub-area specified above when elected and must continue to be a resident of said sub-area during the term for which he or she has been elected, and if he or she fails to maintain that residence, the Model Neighborhood Board shall declare that a vacancy exists. If, at any time, a vacancy occurs in the office of a member, the remaining members shall within sixty (60) days of the occurrence of such vacancy choose, as member for unexpired term, whichever of the defeated candidates for the office of such members at the last regular election at which members were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election. If there is no such defeated candidate eligible and willing to serve then there shall be a special election in those precincts in which the vacancy occurs to be held by the Board of Election Commissioners at all the regular polling places within those precincts within sixty (60) days of the occurrence of such vacancy. The members of the Model Neighborhood Board shall be reimbursed only from Model City Program Funds furnished by the United States Government and accepted by the Mayor and City Council for loss of compensation and expenses necessarily incident to the performance of their duties. The members of said Board are hereby classified as special municipal employees for the purposes of chapter 268A of the General Laws.

Before appointing a Model City Administrator, the mayor shall submit the name of his proposed appointee to the Model Neighborhood Board. Said board may within ten days after the submission of such name make such recommendation with respect to such appointment as said board may see fit; and the mayor shall consider such recommendation before making such appointment.

The Model Neighborhood Board may at any time initiate a review of the administrator's performance. Whenever, after such review, a majority of the members of said board recommend the removal of the administrator in writing, specifying the grounds and the supporting evidence, the mayor shall accept or reject such recommendation after providing the board and the administrator notice and an opportunity to be heard. If the mayor rejects such recommendation, he shall state his reasons publicly and in writing.

The Model Neighborhood Board shall review and approve, disapprove, or approve in part all plans, programs, proposals, budgets, and contracts, and/or letters of agreement, and/or memoranda of understanding, which were parts of, or are being considered for incorporation into the comprehensive city demonstration program carried out under the Federal Demonstration Cities and Metropolitan Development Act of 1966, as amended, and shall also keep all such activities under continuous review and receive for each program a year-end financial report. As part of the above-described review and approval process, said board shall review all contracts and/or letters of agreement, and/or memoranda of understanding, relative to the said plans and programs to insure their compliance

with the said plans and programs. Prior to the final execution of each contract, and/or letters of agreement, and/or memoranda or understanding said board shall approve, disapprove, or approve in part and recommend changes to the following provisions of the contract, and/or letters of agreement, and/or memoranda or understanding: (1) scope of services, (2) contractor selection, (3) budget, (4) time table, and (5) role of the Model Neighborhood Board in monitoring and evaluating the plans and programs and the contract. Such provisions shall include all exhibits, appendices, and documents incorporated therein by reference and pertaining thereto. If such action is not taken by said board within twenty-one days after the receipt of each contract by said board, the contract shall be deemed approved. Said board shall make recommendations to the mayor through the Model Cities Administrator with regard to plans, programs, policies, proposals, budgets, and contracts, and/or letters of agreement, and/or memoranda or understanding; and after considering the Model Cities Administrator's own recommendations and views of the community, said board shall make confirmed recommendations. Whenever a majority of said board makes any such confirmed recommendation with regard to plans, programs, policies, proposals, budgets, and contracts, and/or letters of agreement, and/or memoranda of understanding, the Model Cities Administrator shall follow such recommendation or he shall submit the issue to binding arbitration before three arbitrators, one to be chosen by said board, one to be chosen by the Model Cities Administrator, and one to be chosen by agreement between said board and the Model Cities Administrator.

The Model Neighborhood Board shall, in addition, maintain continuous contact with the residents of the model neighborhood, and compile their ideas, suggestions, criticisms, and complaints respecting the comprehensive program aforesaid and other programs in the model neighborhood area and shall report its findings to the appropriate departments of the City of Boston, the Commonwealth of Massachusetts, and the United States Government. Said grant funds shall not be used for general administrative purposes of the City of Boston, but only for the planning, implementation, and execution of programs whose purpose is the improvement of the quality of urban life within the above-defined model neighborhood area of the City of Boston. Funds from said grant shall not be used to influence or coerce the political action of any person or body, or to interfere with any municipal, state, or federal election and/or referendum. Funds from said grant may be used for voter registration drives within said model neighborhood area, and/or for the cost of the election of the Model Neighborhood Board.

#### Historical Notes

Ord. 1969 c.16

Ord. 1972 c.8

Ord. 1974 c.9





## TITLE 9

## BUILDING REGULATION

Chap.		Sec.
1	Housing Inspection Department . . . . .	1
	Division of Weights and Measures . . . . .	10
3	Building Department . . . . .	50
	Fence Viewers	
5	Board of Appeal . . . . .	150
7	Zoning Commission . . . . .	200
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11	Back Bay Architectural Commission . . . . .	300
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Chapter 1 -- Housing Inspection Department

Sec.	
1	Board and Divisions
2	Powers and Duties
	<u>Weights and Measures Division</u>
10	Weights and Measures Division

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§1 BOARD AND DIVISIONS

There shall be in the city a department, known as the Housing Inspection Department, which shall be under the charge of a board, known as the Housing Inspection, consisting of an officer, known as the Commissioner of Housing Inspection, who shall be chairman of the board, another officer known as the Assistant Commissioner of Housing Inspection, and the building commissioner, ex officio. The commissioner of housing inspection and the assistant commissioner of housing inspection shall each be appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, and shall devote his whole time to the duties of his office. The commissioner of housing inspection shall exclusively

have the powers and perform the duties, of a department head with respect to the making of contracts and the appointment, suspension, discharge, compensation and indemnification of subordinates for the housing inspection department. In the event of the absence or disability of the commissioner of housing inspection or of vacancy in his office, the assistant commissioner of housing inspection shall act as chairman of the housing inspection board, and shall have the powers conferred, and perform the duties imposed, upon the commissioner.

There shall be in the housing inspection department an inspection division, an enforcement division, and such other divisions, if any, as the housing inspection board shall from time to time adjudge necessary for the proper conduct of the department. The inspection division shall be under the immediate charge of the commissioner of housing inspection; and the enforcement division shall be under the immediate charge of the assistant commissioner of housing inspection, subject to the general supervision of the commissioner.

#### Historical Notes

Ord. 1965 c. 1

Rev. Ord. 1961 (Sup. 1971) c. 16A §1

#### Cross References

Ordinances, Title 2 Chapter 7

Ordinances, Title 9 Chapter 3

## §2

### POWERS AND DUTIES

The commissioner of housing inspection, shall have the powers and perform the duties from time to time conferred or imposed on a board of health by section 12 of chapter 83, and section 127 of chapter 111, of the General Laws, by sections 122, 123, 124 and 125 of said chapter 111 insofar, but only insofar, as said sections 122, 123, 124 and 125 apply to places of human habitation, and by sections 127A and 127B of said chapter 111 insofar, but only insofar, as said sections 127A and 127B relate (a) to enforcing so much of the state sanitary code as concerns standards of fitness for places of human habitation, housing and sanitation standards for farm labor camps, and requirements for the disposal of sanitary sewage in unsewered areas, and (b) to adopting such public health regulations, not inconsistent with the state sanitary code or other provisions of law, as in the opinion of the commissioner of housing inspection may be necessary to make and keep all places of human habitation fit for such habitation. The commissioner of housing inspection shall also have the powers and perform the duties conferred or imposed upon the board of health of the city, or the health commissioner of the city, by sections 13, 14, 19, 20, 21 and 22 of chapter 382 of the acts of 1885, as amended, by chapter 185 of the acts of 1897, by chapter 219 of the acts of 1897, as amended, by section 128 of chapter 550 of the acts of 1907, as amended, and by section 116 or any other provision of the Boston Building Code. It shall further be the duty of the commissioner of housing inspection: (1) to receive all complaints of violations, in or about places of human habitation, of any and all statutes, ordinances, rules and regulations enacted for the preservation of health or safety in or about places of human habitation; (2) to refer in writing to the building commissioner or the fire commissioner, as the case may be, for investigation and prosecution all complaints of violations of the Boston Building Code and the Boston Fire Prevention Code and to maintain written contact with said commissioners with respect thereto; and (3) to inspect places of human habitation and enforce therein the provisions of law specified in the preceding sentences of this section and all other statutes, ordinances, rules and regulations enacted for the preservation of health in or about such places.



It shall remain the duty and responsibility of the building and fire commissioners, respectively, to enforce compliance with the Boston Building Code and the Boston Fire Prevention Code. To aid them in discharging such duty but without any lessening of their respective responsibilities, the enforcement division of the housing inspection department may offer them, and they may accept, assistance designed to unify action upon complaints received by the commissioner of housing inspection.

#### Historical Notes

Ord. 1968 c. 10 §1

Rev. Ord. 1961 (Sup. 1971) c. 16A §2

#### Cross References

G.L. c. 83 §12

G.L. c. 111 §§122-125, 127A, 127B

St. 1885 c. 382 §§13,14,19,22

St. 1897 c. 185

St. 1897 c. 219

St. 1907 c. 550 §128

St. 1938 c. 479 §116

St. 1962 c. 314

Ord. 1959 c. 3

Ordinances, Title 9 Chapter 3

Ordinances, Title 11 Chapter 3

### Weights and Measures Division

## §10

### WEIGHTS AND MEASURES DIVISION

There shall be in the housing inspection department a division, known as the Weights and Measures Division, as provided in the charter as that term is defined in clause Fifth of section 7 of chapter 4 of the General Laws.

#### Historical Notes

Ord. 1968 c. 14 §6

Rev. Ord. 1961 (Sup. 1971) c. 16A §3

#### Cross Reference

G.L. c. 4 §7 cl. 5

Chapter 3 -- Building Department

Sec.

- 50 Duties of Building Commissioner
- 51 Street Numbers
- 52 Illumination of Residential Buildings
- 53 Building Limits

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§50 DUTIES OF BUILDING COMMISSIONER

The building department shall be under the charge of the building commissioner, who shall exercise the powers and perform the duties provided by statute, and may appoint not exceeding thirty building inspectors for duty in his department.

The building commissioner shall also have the powers and perform the duties conferred or imposed by statute on the wire commissioner and on the fire commissioner as successor to the wire commissioner, and shall carry out the provisions and requirements of law relating to wires and inspection of wires and the installation and use of electrical conductors and appliances in buildings in the city.

Historical Notes

- St. 1871 c. 280
- St. 1938 c. 479 §109
- Ord. 1954 c. 2 §20
- Rev. Ord. 1961 c. 9 §1

Cross Reference

- Ordinances, Title 11 Chapter 3

§51 STREET NUMBERS

The building commissioner shall assign a street number to each building on a street and shall require such number to be affixed to or inscribed on the building by the owner, and may determine the form, size and material of any such number and the place and mode of affixing or inscribing it.

Historical Notes

- Ord. 1954 c. 9 §1
- Rev. Ord. 1961 c. 9 §2

§52 ILLUMINATION OF RESIDENTIAL BUILDINGS

a. Purpose. It is the intent of this ordinance to protect the public safety by assuring adequate illumination of all doorways, alleys, passageways, and entrances to and from residential buildings

used by the occupants thereof as a means of access and egress. In adopting rules and standards the Building Commissioner and the Commissioner of Housing Inspection may consider existing public lighting and shall endeavor to protect abutting buildings from existing glare.

b. Every owner of a building containing four or more dwelling units, including but not limited to apartment buildings, apartment hotels, boarding and lodging houses, fraternities, sororities, and dormitories, shall provide adequate illumination between sunset and sunrise of all doorways and entrance areas, on the front, rear, or sides of such building at or with principal access from grade, in accordance with reasonable rules and standards to be promulgated by the City of Boston Building Commissioner and Commissioner of Housing Inspection, within sixty days following enactment of such rules and standards. In addition, such owners shall provide reasonable illumination of parking areas adjacent to such buildings and containing parking spaces required under the provisions of the Boston Zoning Code.

c. The Building Commissioner and Commissioner of Housing Inspection are hereby authorized and directed within thirty days after the effective date of this ordinance to hold a public hearing on the adoption of proposed rules and standards hereunder, such hearing to be advertised by at least seven days notice in a paper of general circulation within the city, such notice to contain the date, time, and place of said public hearing and the terms of the proposed rules and standards. Following such public hearing the Building Commissioner and Commissioner of Housing Inspection shall issue final rules and standards no later than sixty days thereafter. Any owner deeming himself to be aggrieved shall have a right of appeal and review in accordance with the provisions of the Boston Building Code to the same extent as if said rules and standards were an integral part of said code.

#### Historical Note

Ord. 1973 c. 6

#### Cross References

St. 1938 c. 479

Ordinances, Title 9 Chapters 1,7

## §53

### BUILDING LIMITS

The building limits referred to in paragraph (b) of section 202 of the Boston Building Code shall continue as established by chapter 4 of the ordinances of 1913 as follows:

All that portion of the city which is included within a line beginning at the intersection of the boundary lines between the city of Boston and the cities of Somerville and Everett; thence by the boundary lines between the city of Boston and the cities of Everett and Chelsea to the intersection with the centre line of Trumbull street extended northerly; thence by said centre line of Trumbull street extended, the centre line of Trumbull street and said centre line extended southerly to the Harbor line; thence by said Harbor line to its intersection with the easterly line of Pier No. 5 belonging to the Boston and Albany Railroad Company; thence by a straight line across Boston Harbor to its intersection with the Harbor line at the easterly corner of Pier No. 1, in South Boston; thence by the Harbor line in the northerly, easterly and southerly portions of South Boston to an angle in said Harbor line nearly opposite the intersection of the centre line of Columbia road with the centre line of location of the Old Colony Railroad; thence by a straight line to the said intersection; and by the centre lines of Columbia road, Blue Hill avenue,



Seaver street, Columbus avenue, Atherton and Mozart streets, Chestnut avenue, Sheridan, Centre, and Perkins streets, South Huntington avenue, Castleton street and the centre line of said Castleton street extended to the boundary line between the city of Boston and the town of Brookline; thence by said boundary line to a point therein one hundred feet southwest of Washington street in the Brighton district; thence by a line parallel to and one hundred feet southwesterly from the centre line of Washington street to an angle formed by the intersection of said line with the extension of a line parallel to and one hundred feet northwesterly of the centre line of Market street; thence by said extension and said line parallel to and one hundred feet northwesterly of the centre line of Market street to a point one hundred feet south of the centre line of Western avenue; thence by a line parallel to and one hundred feet south of the centre line of Western avenue and said line extended to a point in the boundary line between the city of Boston and the town of Watertown south of Watertown Bridge, so-called; thence by said boundary line and the boundary line between the city of Boston and the cities of Cambridge and Somerville to the point of beginning. Also those portions of the Hyde Park district upon or within one hundred feet of the following-named streets and squares: Everett square, so-called; Fairmount avenue from River street to the Neponset river; River street from the location of the Boston & Providence Railroad to Winthrop street; Hyde Park avenue on the easterly side from the northerly side of Oak street to Everett street; Hyde Park avenue on the westerly side from the northerly side of Pine Street extension, so-called, to a point on said Hyde Park avenue opposite the southerly line of Everett street; Harvard avenue from River street to Winthrop street; Maple street from River street to a point one hundred and eighty feet southerly therefrom; Central avenue from River street to Winthrop street; Davison street from Fairmount avenue to a point three hundred feet northeasterly therefrom; Grove street; Pierce street from Fairmount avenue to a point three hundred feet northeasterly therefrom; Knott street from Fairmount avenue to a point three hundred feet easterly therefrom; Railroad avenue from Fairmount avenue to a point three hundred feet northeasterly therefrom; Station street from the Neponset river to a point three hundred feet northeasterly from Fairmount avenue; Walnut street from Fairmount avenue to a point three hundred feet southwesterly therefrom; Maple street from Fairmount avenue to a point one hundred and twenty-five feet westerly therefrom.

#### Historical Notes

Rev. Ord. 1898 c. 45 §27

Ord. 1912 c. 5

Ord. 1913 c. 4

#### Cross References

St. 1938 c. 479 §202 (Boston Building Code)

Ordinances, Title 7 §109

Chapter 5 -- Board of Appeal

Sec.

150 Board Members  
151 Powers and Duties

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§150 BOARD MEMBERS

There shall be in the building department a board, known as the Board of Appeal, consisting of five members appointed by the mayor as follows: -- one member from two candidates nominated, one by The Boston Society of Architects and one by the Boston Society of Civil Engineers, one member from two candidates nominated by the Building Trades Council of Boston and Vicinity, one member from two candidates nominated, one by the Greater Boston Real Estate Board and one by the Massachusetts Real Estate Association, one member from three candidates nominated, one by The Master Builders' Association of Boston, one by the Building Trades Employers' Association of the City of Boston and one by the Associated General Contractors of Massachusetts, Inc., and one member selected at large by the mayor. All members of the board of appeal shall be residents of, or engaged in business in, Boston. As the term of any member in office expires, his successor shall be appointed in like manner as such member for a term of five years. Vacancies in the board shall be filled in the same manner for the unexpired term. No member of the board shall act in any case in which he has a personal interest; and when a member is so disqualified or absent or when there is a vacancy in the office of a member, the remaining members shall designate a substitute.

The board of appeal shall not be subject to the supervision or control of the building commissioner; but unless otherwise ordered by the mayor, the board of appeal shall not communicate with the mayor, or make any annual or other report, except through the building commissioner.

Historical Notes

St. 1938 c. 479  
Ord. 1954 c. 2 §21  
Rev. Ord. 1961 c. 9 §3

Cross References

Ordinances, Title 2, Chapter 7  
Ordinances, Title 9 Chapter 3

§151 POWERS AND DUTIES

The board of appeal shall exercise the powers and perform the duties set forth in sections 117, 118 and 119 of the Boston Building Code, and section 19 of chapter 488 of the acts of 1924.

Historical Note

Rev. Ord. 1961 c. 9 §4

Cross References

St. 1924 c. 488 §19  
St. 1938 c. 479 §§117,118,119

Chapter 7 -- Zoning Commission

Sec.

200 BOARD. POWERS AND DUTIES

§200 BOARD. POWERS AND DUTIES

There shall be in the building department the board, known as the Zoning Commission, provided for by section 1 of chapter 665 of the acts of 1956, as amended. Said board shall exercise the powers and perform the duties provided by statute. Said board shall not be subject to the supervision or control of the building commissioner; but unless otherwise ordered by the mayor, the zoning commission shall not communicate with the mayor, or make any annual or other report, except through the building commissioner.

## Historical Note

Rev. Ord. 1961 c. 9 §10

## Cross References

St. 1956 c. 655 §1

Ordinances, Title 9 Chapter 3



Chapter 9 -- Beacon Hill Architectural Commission

No Ordinances Apply. See Special Statutes and Regulations.

Chapter 11 -- Back Bay Architectural Commission

No Ordinances Apply. See Special Statutes and Regulations.

Chapter 13 -- Board of Examiners

Sec.

350 Board. Appointment, Term, Compensation  
351 Powers and Duties

§350 BOARD. APPOINTMENT, TERM, COMPENSATION

There shall be in the building department a board, known as the Board of Examiners, consisting of three members appointed by the mayor, of whom one shall be an architect or engineer with at least five years' experience in the city, one a contractor or person well qualified in the supervision of construction work with at least five years' experience in the city, and one a lawyer or other person with proper legal qualifications. As the term of any member expires, his successor shall be appointed by the mayor for a term of three years. Vacancies in the board shall be filled by the mayor for the unexpired term.

The board of examiners shall not be subject to the supervision or control of the building commissioner; but unless otherwise ordered by the mayor, the board of examiners shall not communicate with the mayor, or make any annual or other report, except through the building commissioner.

Historical Notes

St. 1912 c. 713  
Ord. 1912 c. 9  
St. 1938 c. 479 §120  
Ord. 1954 c. 2 §22  
Rev. Ord. 1961 c. 9 §5

Cross References

Ordinances, Title 2 Chapter 7  
Ordinances, Title 9 Chapter 3

## §351 POWERS AND DUTIES

Said board shall exercise the powers, perform the duties and issue licenses as set forth in section 120 of the Boston Building Code.

## Historical Notes

Ord. 1956 c. 7 §3

Rev. Ord. 1961 c. 9 §6

## Cross Reference

St. 1938 c. 479

TITLE 10

HOUSING SERVICES

Chap.		Sec.
1	Boston Housing Authority . . . . .	1
3	Rent and Eviction Regulation . . . . .	100

Chapter 1 -- Boston Housing Authority  
No Ordinances Apply. See Special Statutes and Regulations.

Chapter 3 -- Rent and Eviction Regulation

Sec.	
100	Preamble to Rent Control Legislation
101	Definitions
102	Rent Board
103	Maximum Rent
104	Registration
105	Adjustment of Maximum Rent
106	Rent Adjustment Proceedings
107	Information to be Supplied in Connection with Petitions and Actions for Adjustment
108	Evictions
109	Civil Remedies
110	Criminal Penalties
111	Injunctions
112	Effective Date and Duration
113	Constitutional Construction
114	Transitional Provisions



## §100

## PREAMBLE TO RENT CONTROL LEGISLATION

Whereas a serious public emergency exists with respect to the housing of a substantial number of the citizens of Boston; and

Whereas the deterioration and demolition of existing housing and an insufficient supply of new housing have resulted in a substantial and critical shortage of safe, decent, and reasonably-priced rental housing accommodations; and

Whereas this emergency cannot be dealt with effectively by the ordinary operation of the private rental housing market, and, unless residential rents are regulated and controlled so that rents will not be increased unreasonably and landlords will receive a fair net operating income from housing accommodations, and unless evictions of tenants are regulated and controlled, such emergency and the inflationary pressure resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of Boston;

NOW THEREFORE, pursuant to the authority vested in it by law, including, without limitation, Article 2, as amended, and Article 47 of the Amendments to the Constitution of the Commonwealth of Massachusetts and Chapter 797 of the Acts of 1969, as amended by Chapter 863 of the Acts of 1970 and by Chapter 843 of the Acts of 1971, BE IT DECLARED by the City Council of the City of Boston that a substantial and critical shortage of safe, decent and reasonably-priced rental housing units continues to exist because of (1) the deterioration and demolition of existing housing, and (2) an insufficient supply of new housing.

AND, also pursuant to the authority vested in it by law, including, without limitation, Article 2, as amended, and Article 47 of the Amendments to the Constitution of the Commonwealth of Massachusetts and Chapter 797 of the Acts of 1969 as amended by Chapter 863 of the Acts of 1970 and by Chapter 843 of the Acts of 1971, BE IT ORDAINED by the City Council of the City of Boston as follows.

## Historical Note

Ord. 1975 c. 15

## Cross References

Mass. Const. Art. 2  
Mass. Const. Art. 47  
St. 1969 c. 797  
St. 1970 c. 842  
St. 1971 c. 843  
Ord. 1970 c. 11  
Ord. 1972 c. 19  
Ord. 1974 c. 13

## §101

## DEFINITIONS

When used in this ordinance, unless the context otherwise requires, the following terms shall have the following meanings:

(a) Board: the rent board established by section 102.

(b) Capital improvement: any substantial rehabilitation, addition or improvement which appreciably adds to the value of the property or prolongs its life, or both, but not including ordinary repairs and maintenance.

(c) Class of housing accommodations: all housing accommodations within the city or any category of such housing accommodations based on size, age, construction, rent, location or other common characteristics.

(d) Executive director: the executive director of the board. The executive director exclusively

shall exercise the regular and customary functions of management. The executive director shall also have the power to govern the conduct of the department and to hire and discharge employees.

(e) Housing accommodation: any building, structure, or part thereof or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, within the City, including houses, apartments, rooming or boarding house units and other properties used for living or dwelling purposes together with all services connected with the use or occupancy of such property, not including the following:

(i) housing accommodations which the United States or the Commonwealth of Massachusetts or any authority created under the laws thereof either owns, or operates, or finances or subsidizes or insures the mortgage thereon, or regulates the individual rents thereof; except the housing accommodations subsidized under section 202, 221(d) or 236 of the National Housing Act as amended.

(ii) housing accommodations in any building or structure containing no more than two dwelling units, or containing three dwelling units, one of which is occupied by the owner thereof as his permanent residence; provided that two or more adjoining buildings or structures under common legal or beneficial ownership shall constitute a single building or structure for this purpose; and provided further that no building or structure shall be considered occupied by the owner thereof unless all beneficial owners occupy one or more dwelling units therein as their permanent residence.

(iii) housing accommodations constructed, created by conversion from a non-housing to a housing use, or substantially rehabilitated in the opinion of the board so as to constitute the equivalent of new construction after December 1, 1968 with respect to conventionally financed housing accommodations, and after January 1, 1972 with respect to housing accommodations described in paragraph (e)(i) above.

(iv) housing accommodations in cooperatives.

(v) housing accommodations in hotels, motels, inns, tourist homes and rooming or boarding houses which are occupied in the majority by transient guests for a period of less than fourteen consecutive days, providing that the exception of said hotels, motels, inns, tourist homes and rooming or boarding houses from the above definition may be reviewed at any time by the board;

(vi) units of housing accommodations which become vacant on or after January 1, 1976 or which are vacated voluntarily or pursuant to court order anytime thereafter. For purposes of this clause, a unit shall be construed to have been vacated when the legal occupant is a person or persons other than the legal occupant of said rental unit prior to January 1, 1976, except for a spouse of the legal occupant, or any children of the legal occupant born during the term of the legal occupancy. The owner of said vacated housing accommodations shall file with the Board an affidavit, under oath, declaring that the occupant vacated said accommodations voluntarily or pursuant to court order.

(f) Housing services: services or facilities provided by a landlord or required by law or by the terms of a rental housing agreement to be provided by a landlord to a tenant in connection with the use and occupancy of any housing accommodation, including, without limitation: services, furniture, furnishings and equipment; repairs; decorating and maintenance; provision of light, heat, hot water, cold water, telephone and elevator service; kitchen, bath and laundry facilities and privileges; use of halls, corridors, stairs, common rooms, yard and other common areas; maid service, janitor service, removal of refuse, parking facilities, and any other benefit, privilege or facility connected with the use or occupancy of any housing accommodation. Housing services to a housing accommodation shall include a proportionate part of services provided to common facilities of the building in which the housing accommodation is contained.

(g) Landlord: the individual who holds title to any controlled housing accommodation in any manner including but not limited to a partnership, corporation, trust; for purposes of this ordinance, the rights and duties of the landlord hereunder shall be the obligation of any one who manages, controls or customarily accepts rent on behalf of the landlord.

(h) Operating and maintenance expenses: the reasonable and necessary expenses to a landlord



of providing housing services to a tenant, including, but not limited to, maintenance, repair, management fee, real estate broker's commission, insurance, utilities included within the rent but not including mortgage interest and amortization nor an allowance for obsolescence or depreciation.

(i) Rent: the consideration, including any bonus, benefit, gratuity, or charge contingent or otherwise, demanded or received for or in connection with the use or occupancy of a housing accommodation or for housing services or for the transfer of a lease of a housing accommodation.

(j) Rental housing agreement: an agreement, verbal, written or implied, between a landlord and a tenant for use and occupancy of a housing accommodation and for housing services.

(k) Tenant: a tenant, subtenant, lessee, sublessee or other person, entitled under the terms of a rental housing agreement to the use and occupancy of any housing accommodation.

#### Historical Note

Ord. 1975 c. 15 §1

#### Cross References

St. 1970 c. 842

Ord. 1972 c. 19

Ord. 1974 c. 13 §1

## §102

### RENT BOARD

(a) Composition. There shall be in the city a board known as the Rent Board, consisting of five residents of the city appointed by the Mayor, including one tenant who owns no housing accommodations, one landlord who owns or manages at least twenty rental units in the city and three members representing the public interest, none of whom may own or manage more than three rental units in the city. The executive director, with the approval of the Mayor, may serve as a member of the board. Members of the board shall be appointed for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected. The executive director, if a member of the board, shall not serve as chairperson of the board. The board shall elect one of its members as chairperson to serve in that capacity for a term of one year. Vacancies shall be filled by the Mayor for the unexpired term.

(b) Compensation. Each member of the board shall receive compensation for actual service in the amount of eight dollars per hour, or part thereof. The executive director shall not receive any additional compensation for duties performed as a member of the board, beyond the executive director's salary. Members of the board other than the executive director, are hereby classified as special municipal employees for the purposes of chapter 268A of the General Laws.

(c) Powers and Duties. The board shall be responsible for carrying out the provisions of this ordinance. The board shall hire, with the approval of the Mayor, the executive director. The board shall promulgate such policies, rules, rulings and regulations, and shall issue such orders, as will further the provisions of this ordinance. The board shall, as provided in Sections 103, 105 and 106, establish and adjust the maximum rent that may be charged for housing accommodations, shall grant or deny certificates of eviction as provided under Section 108 and shall bring such proceedings as may be necessary to enforce the provisions of this ordinance or to enforce any policy, rule, ruling, regulation or order promulgated or issued by the board under this ordinance. The board may refer any appropriate matter to the assessing, building, fire, housing inspection department or other appropriate departments and may, at the request of any landlord, render a binding advisory opinion as to the permissible impact of a proposed capital improvement on the rents.

(d) Studies, Information, Investigations and Reports. The board may make such studies and investigations, conduct such hearings, and obtain such information as is deemed necessary in



promulgating any regulation, rule or order under this code and regulations and orders promulgated hereunder. For the foregoing purposes, a person may be summoned to attend and testify and to produce books and prepare in like manner as he may be summoned to attend as a witness before a court and before the City Council under section eight of Chapter 233. Any person who rents or offers for rent or acts as broker or agent for the rental of any controlled housing accommodation may be required to furnish under oath any information required by the board, and to produce records and other documents and make reports. Such persons shall have the right to be represented by counsel, and a transcript shall be taken of all testimony and such person shall have the right to examine said transcript at reasonable times and places. Section ten of Chapter 233 of the General Laws shall apply.

The board shall recommend for adoption such amendments as may be necessary to carry out the purposes of this ordinance.

#### Historical Note

Ord. 1975 c. 15 §2

#### Cross References

G.L. C. 268A

St. 1970 c. 842

Ordinances, Title 2 §350

Ord. 1972 c. 19

## § 103

### MAXIMUM RENT

The maximum rent of a housing accommodation shall be the rent which was established under Chapter 842 of the Acts of 1970, and section 13(a) of Chapter 19 of the Ordinances of 1972. If the maximum rent has not otherwise been established, it shall be established by the board. Any maximum rent may be subsequently adjusted under the provisions of sections 105 and 106.

#### Historical Note

Ord. 1975 c. 15

#### Cross References

Ord. 1970 c. 11 § §9,10

Ord. 1972 c. 19

## § 104

### REGISTRATION

The board may require registration of all controlled housing accommodations on forms approved by the executive director. Whoever fails timely to file any statement or information required to be filed under this section, or who has failed to file any information required under Chapter 842 of the Acts of 1970, shall in addition to other penalties under Section 110 be subject to a fine of up to fifty dollars per calendar day that such failure continues. No petition for an upward adjustment of maximum rent shall be accepted by the board until all statements and information required to be filed under this section have been filed and any such petitions received prior to such filing shall be dismissed.

#### Historical Note

Ord. 1975 c. 15

## §105

## ADJUSTMENT OF MAXIMUM RENT

(a) Individual and General Adjustments. The board shall, by order or regulation as provided in section 106, make such individual or general adjustments, either upward or downward, of the maximum rent established by section 103 for any housing accommodation or any class of housing accommodations as may be necessary to remove hardships or to correct other inequities, and in so doing, shall observe the principle of maintaining maximum rents for housing accommodations at levels which will yield to landlords a fair net operating income from such housing accommodations.

(b) Fair Net Operating Income. In determining whether the maximum rent for housing accommodations yields a fair net operating income, the board shall consider the following among other factors:

- (i) increases or decreases in property taxes;
- (ii) unavoidable increases or any decreases in operating and maintenance expenses;
- (iii) capital improvement of the housing accommodations as distinguished from ordinary repair, replacement and maintenance;
- (iv) increases or decreases in living space or housing services; and
- (v) substantial deterioration of the housing accommodations, other than ordinary wear and tear, or failure to perform ordinary repair, replacement or maintenance.

(c) For the purpose of adjusting rents under the provisions of this section, the board may promulgate a schedule of standard rental increases or decreases for improvement or deterioration of specific services and facilities.

(d) Denial of Adjustment. Notwithstanding any other provision of this section, the board may refuse to grant an upward adjustment of maximum rent if it determines that the affected housing accommodation does not comply with the State Sanitary Code or the Boston Building Code or the Boston Fire Prevention Code or any other applicable municipal code, ordinance or state law, regulating the conditions of housing accommodations. The board may refuse to make a downward adjustment of maximum rent if it determines that the tenant is more than sixty days in arrears in payment of rent, unless such arrearage is due to a withholding of rent under the provisions of section 8A of Chapter 239 of the General Laws, or section 127L of Chapter 111.

(e) The board may remove maximum rental levels, established under sections 103, 105 and 106, for any class of housing accommodations if in its judgment the need for continuing such maximum rental levels no longer exists because of sufficient construction of new housing accommodations the rental levels for which are comparable to rental levels of the class of housing accommodations for which maximum rental levels are to be discontinued or because the demand for housing accommodations has otherwise been met. Any maximum rental level removed under this paragraph shall be reimposed or adjusted and reimposed upon a finding by the board that a substantial shortage of housing accommodations exists and that the reimposition of rent control is necessary in the public interest. Any action under this paragraph shall be subject to the hearing and notice requirements of paragraph (b) of section 106.

## Historical Note

Ord. 1975 c. 16 §5

## Cross References

St. 1962 c. 314 (Boston Fire Prevention Code)

Ord. 1959 c. 3 (Boston Fire Prevention Code, Enabling Act)

Ord. 1972 c. 19

§106 RENT ADJUSTMENT PROCEEDINGS

(a) Individual Adjustment of Maximum Rent. The board shall consider an adjustment of rent for an individual housing accommodation upon receipt of a petition for adjustment filed by the landlord or tenant of such housing accommodation or upon its own initiative. Such petition shall be made on a form approved by the executive director. The board shall notify the landlord and tenant if the petition was filed by the tenant, or the tenant and landlord if the petition was filed by the landlord, of the receipt of such petition and of the right of either party to request a hearing in writing within 15 calendar days of receipt of such notice, or the board may schedule a hearing on its own initiative. If a hearing is timely requested by either party, or if the action is undertaken on the initiative of the board, notice of the time and place of the hearing shall be furnished to the landlord and tenant and the hearing shall be conducted before a designee of the board. The board may consolidate petitions and actions taken under its own initiative relating to housing accommodations in the same building or development, and all such petitions and actions may be considered in a single hearing.

(b) General Adjustment of Maximum Rent by Regulation. On its own initiative, the board may make a general adjustment, by percentage or otherwise, of the rental levels for any class of housing accommodations subject to such conditions, if any, as the board shall determine. Prior to making such adjustment, a public hearing shall be held before at least a majority of the board. Notice of the time, place and purpose of such hearings shall be published three times in at least one newspaper having a general circulation in the city.

(c) Limitation of Petitions for Individual Adjustment. Notwithstanding any other provision of this section, the board may, without holding a hearing, refuse to adjust the maximum rent for an individual housing accommodation and may dismiss any petition for adjustment if a decision has been made with regard to the maximum rent for such housing accommodation within twelve months or if the board finds that the petition for adjustment is filed for purposes of harassment or for other purposes not intended by this ordinance.

(d) Hearings required under paragraph (a) shall be conducted in accordance with the provisions of section 11 of Chapter 30A of the General Laws except that requirements (7) and (8) of said section 11 shall not apply to such hearings.

(e) Judicial Review. Upon a decision by the board under paragraph (a) or (c) of this section, either party concerned may appeal to the district court for the judicial district within which the housing accommodation is located or to the housing court of the City of Boston, within thirty calendar days after such decision.

Historical Note  
Ord. 1975 c. 15 §6

§107 INFORMATION TO BE SUPPLIED IN CONNECTION WITH TENANT PETITIONS AND BOARD INITIATED ACTIONS FOR ADJUSTMENT

Upon receipt by the board of a tenant petition for adjustment of maximum rent, or upon action initiated by the board for adjustment of maximum rent, the landlord shall furnish to the executive director, within 15 calendar days after a written demand therefor an information statement on forms approved by the executive director.

Whoever fails timely to file any information required to be filed under this section may in addition to other penalties under section 110 be subject to a fine of up to fifty dollars per calendar day that such failure continues.

Historical Note  
Ord. 1975 c. 15 §7



## §108

## EVICTIONS

(a) No person shall bring any action to recover possession of a housing accommodation unless:

(i) the tenant has failed to pay the rent to which the landlord is entitled;

(ii) the tenant has violated an obligation or covenant of his tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord;

(iii) the tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the housing accommodation, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or other occupants of the same or any adjacent accommodation;

(iv) the tenant is convicted of using or permitting a housing accommodation to be used for any illegal purpose;

(v) the tenant, who had a written lease or rental agreement which terminated on or after the passage of this ordinance has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms as are not inconsistent with or violative of any provisions of this ordinance;

(vi) the tenant has refused the landlord reasonable access to the housing accommodation for the purpose of making necessary repairs or improvements required by the laws of the United States, the Commonwealth, or any subdivision thereof, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the housing accommodation to any prospective purchaser or mortgagee;

(vii) the tenant holding at the end of a lease term is a subtenant not approved by the landlord;

(viii) the landlord seeks to recover possession in good faith for the use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(ix) the landlord seeks to recover possession to demolish or otherwise remove the housing accommodation from housing use; or

(x) the landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purposes of this ordinance.

(b) A landlord seeking to recover possession of a controlled housing accommodation shall apply to the board for a certificate of eviction. Upon receipt of such an application, the board shall send a copy of the application to the tenant of the controlled housing accommodation together with a notification of all rights and procedures available under this section. If the board finds that the facts attested to in the landlord's petition are valid and in compliance with paragraph (a), the certificate of eviction shall be issued.

(c) A landlord who seeks to recover possession of a housing accommodation without a certificate of eviction shall be deemed to have violated this ordinance, and the board shall initiate a criminal prosecution for such violation.

(d) Notwithstanding the provisions of this section the United States, the Commonwealth or any agency or political subdivision thereof may maintain an action or proceeding to recover possession of any housing accommodation operated by it where such action or proceeding is authorized by the statute or regulation under which such accommodations are administered.

(e) The provisions of this section shall be construed as additional restrictions on the right to recover possession of a housing accommodation. No provision of this section shall entitle any person to recover possession of such a housing accommodation. Upon a decision of said board concerning the

granting or withholding of a certificate of eviction, either party concerned may appeal to the district court within the jurisdiction of which the housing accommodation involved is located or to the housing court of the City of Boston, within thirty calendar days after such decision.

#### Historical Note

Ord. 1975 c. 15 §8

### §109

#### CIVIL REMEDIES

(a) Any person who demands, accepts, receives, or retains any payment of rent in excess of the maximum lawful rent, in violation of the provisions of this ordinance, or any rules, regulation, or order hereunder promulgated, shall be liable as hereinafter provided to the person from whom such payment is demanded, accepted, received, or retained, or to the city for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amount of one hundred dollars, or not more than three times the amount by which the payment or payments demanded, accepted, received or retained exceed the maximum rent which could be lawfully demanded, accepted, received or retained, whichever is the greater; provided, that if the defendant proves that the violation, the amount of such liquidated damages shall be the amount of the overcharge or overcharges.

(b) If the person from whom such payment is demanded, accepted, received, or retained in violation of the provisions of this ordinance or any rule, regulation, or order hereunder promulgated fails to bring an action under this section within thirty calendar days from the date of the occurrence of the violation the board may settle the claim arising out of the violation or bring such action. Settlement by the board shall thereafter bar any other person from bringing action for the violation or violations with regard to which a settlement has been reached. In the event the board settles said claim, it shall be entitled to retain the costs it incurred in the settlement thereof, and the person against whom the violation has been committed shall be entitled to the remainder. In the event the city brings action under the provisions of this section, it shall be entitled to receive attorney's fees and costs under the provisions of paragraph (a) and the person against whom the violation was committed shall be awarded liquidated damages under the provisions of said paragraph (a);

(c) A judgment for damages or on the merits in any action under this section shall be a bar to any recovery under this section or in any other action against the same defendant on account of any violation with respect to the same person prior to the institution of the action in which such judgment was rendered. Action to recover liquidated damages under the provisions of this section shall not be brought later than one year after the date of violation. A single action for damages under the provisions of this section may include all violations of the provisions of this section committed by the same defendant against the same person.

(d) The district court for the judicial district within which the housing accommodation affected is located and the housing court of the City of Boston shall severally have concurrent original jurisdiction over all actions and complaints brought under this section.

#### Historical Note

Ord. 1975 c. 15 §9

### §110

#### CRIMINAL PENALTIES

(a) It shall be unlawful for any person to demand, accept, receive, or retain any rent for the use or occupancy of any housing accommodations in excess of the maximum rent prescribed therefor under the provisions of this ordinance or the rules, regulations or orders hereunder promulgated, or

otherwise to do or omit to do any action in violation of the provisions of this ordinance or the rules, regulations or orders hereunder promulgated. It shall be unlawful for any person by act or omission knowingly to engage in any conduct tending to deprive a tenant of, or to prevent a tenant from exercising, any right conferred by this code, including any such conduct tending to deprive a tenant of the peace, comfort or enjoyment of a housing accommodation in violation of this ordinance and any such conduct intended to result in substantial inconvenience or amounting to a violation of privacy, harassment, intimidation, threat or coercion.

(b) It shall be unlawful for any person to demand, accept, receive or retain any payment which exceeds the maximum lawful rent for one month as a finder's fee or service charge for the opportunity to examine or lease any housing accommodation and no finder's fee or service charge shall be lawful unless the person from whom the payment is demanded, accepted, received or retained actually rents or leases the housing accommodation with regard to which payment of said fee or said charge has been demanded, accepted, received or retained.

(c) Whoever willfully violates any provision of this ordinance or any rule, regulation or order hereunder promulgated or whoever knowingly makes any false statement in any testimony before the board or whoever knowingly supplies the board with any false information shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days or both; provided, however, that in the case of a second or subsequent offense, such person shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than one year or both.

(d) The district court for the judicial district within which the housing accommodation affected is located and the housing court of the City of Boston shall severally have concurrent jurisdiction over all such actions and complaints.

Historical Note

Ord. 1975 c. 15 §10

§111

INJUNCTIONS

The superior court and the housing court of the City of Boston shall severally have jurisdiction in equity to restrain by injunction any violation of this ordinance and of rules, regulations and orders promulgated by the board.

Historical Note

Ord. 1975 c. 15 §11

§112

EFFECTIVE DATE AND DURATION

This ordinance shall become effective on December 31, 1975 and shall remain in effect until December 31, 1979, or until a prior determination by the Mayor and City Council that the present rental housing emergency no longer exists.

Historical Note

Ord. 1975 c. 15 §12



## §113 CONSTITUTIONAL CONSTRUCTION

The provisions of this ordinance are severable, and if any of its provisions shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Historical Note

Ord. 1975 c. 15 §13

## §114 TRANSITIONAL PROVISIONS

Chapter 842 of the Acts of 1970 expires on December 31, 1975. Chapter 19 of the Ordinances of 1972 expires on December 31, 1975. Any matter pending before the Administrator under chapter 842 of the Acts of 1970 or under chapter 19 of the Ordinances of 1972 on the effective date of this ordinance shall be considered by the board established hereunder as if brought by way of petition or action in accordance with the provisions of this ordinance, and the board may consolidate any such matter with any petition for adjustment or action initiated under the provisions of this ordinance.

Historical Note

Ord. 1975 c. 15 §14



## TITLE 11

## PUBLIC SERVICES

Chap.		Sec.
1	Police Department . . . . .	1
	Constables	
	Harbor Master	
3	Fire Department . . . . .	75
5	Public Works Department . . . . .	150
7	Real Property Department . . . . .	250
9	Library Department and Trustees of the Public Library . . . . .	350
11	Civil Defense Department . . . . .	400

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Chapter 1 -- Police Department

Sec.	
1	Weekly Report by Police Commissioner
2	Shotguns in Police Vehicles; Training of Officers
3	Minimum Number of Marked Police Vehicles Required
4	Police Vehicles to be Manned Full-time
5	Minimum Salaries for Patrolmen
6	Special Commission on Violence and the Use of Handguns

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§ 1 WEEKLY REPORT BY POLICE COMMISSIONER

The police commissioner shall prepare and furnish each week to the Mayor and to the City Council a report on the number of crimes reported in the city during the previous week in the following categories, viz., murder, rape, assault, armed robbery, breaking and entering of homes, and purse-snatching, tabulated by police district (giving in addition to the district number the geographical area of the city comprising the district) and within each district tabulated according to the several police tours of duty. The police commissioner shall, in preparing each report, also include the cumulative reported totals of the crimes enumerated above, tabulated as aforesaid, for the year to the date of making the report.

Historical Note  
Ord. 1973 c. 11

Cross References  
Ordinances, Title 5 §126  
Ordinances, Title 14 §§404,405



## §2 SHOTGUNS IN POLICE VEHICLES; TRAINING OF OFFICERS

All Boston police vehicles shall be equipped with shotguns and shotgun racks. All Boston police officers shall participate in a training course for the handling and operation of shotguns. All Boston police officers shall be awarded a certificate of training from the appropriate police officials at the completion of such training.

## Historical Notes

Ord. 1974 c. 1

This ordinance was declared invalid in O'Neil v. White, Suffolk Superior Court No. 683216 (1974).

## §3 MINIMUM NUMBER OF MARKED POLICE VEHICLES REQUIRED

At all times in the various police districts of the city there shall be in use on duty no less than 50 per cent plus 1 of all the marked police vehicles which were assigned to such districts on June 15, 1971.

## Historical Note

Ord. 1973 c. 14

## §4 POLICE VEHICLES TO BE MANNED FULL-TIME

All Boston police vehicles, marked or unmarked, shall be manned twenty-four (24) hours a day by two Boston police officers.

## Historical Note

Ord. 1973 c. 15

## §5 MINIMUM SALARIES FOR PATROLMEN

Effective as of January 1, 1972, the minimum annual compensation of patrolman members of the Police Department of the city, in the classifications and salary grades as herein set forth, shall be not less than the following:

For the first year of service, \$10,500.

For the second year of service, \$11,500.

For the third and each succeeding year of service, \$12,500.

"Service," under the provisions hereof, shall be deemed to commence with the date the appointee patrolman is first assigned to duty and continue until death, retirement, or termination of employment of the appointee. In determining years of service, credit shall be given for all time or period of service prior to December 31, 1971. All step increments in higher salary grade shall become due at intervals of a year's service at the beginning of the second and third years of service and shall commence on the Sunday preceding the day on which such step increments shall become due.

## Historical Note

Ord. 1972 c. 7

## §6

## SPECIAL COMMISSION ON VIOLENCE AND THE USE OF HANDGUNS

There shall be in the city a commission, known as the Special Commission on Violence and the Use of Handguns, consisting of the Police Commissioner, ex officio, the District Attorney of Suffolk County, ex officio, the Chairman of the Committee on Licenses of the Boston City Council, ex officio, the Chairman of the Boston Police Patrolman's Association, Inc., or their respective designees, and a person appointed by the Mayor from the public at large, who shall be classified as a special municipal employee for the purposes of chapter 268A of the General Laws. Members of the commission shall serve without compensation. The commission shall, by majority vote, elect one of its members as chairman.

The said commission shall conduct studies, investigations, and research in matters affecting the safety of the general public, and in particular the hazards caused by the use of certain firearms commonly called handguns. In the performance of these duties the commission may, on the call of the chairman, hold any hearings it deems necessary. The commission shall issue a final report to the Mayor and City Council relative to its findings and recommendations.

This ordinance shall expire on the thirty-first day of December, 1974.

Historical Note

Ord. 1974 c.6

Chapter 3 -- Fire Department

Sec.

75	Fire Commissioner; Appointments
76	Emergency Authority
77	Assistance to Other Cities or Towns
78	Duties of Superintendent of Fire Alarm
79	Monthly Report on Fires
80	Notice for Hearing on Charges
81	Minimum Salaries

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The Boston Fire Prevention Code is presently being revised and thus is not printed here. The present code is Ordinances 1959 c.3, copies of which are presently out of print but are available for inspection and copying at the City Clerk's office or the Division of Fire Prevention, Boston Fire Headquarters, 115 Southhampton Street, Boston, Massachusetts.

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## §75 FIRE COMMISSIONER; APPOINTMENTS

The fire department shall be under the charge of the fire commissioner, who shall exercise the powers and perform the duties provided by statute; and shall appoint a chief of department, assistant chiefs, deputy chiefs, district chiefs, and other officers and firefighters.

## Historical Notes

- St. 1895 c. 449 §§9-11
- St. 1914 c. 795
- Ord. 1946 c. 1
- Rev. Ord. 1961 c. 14 §1

## §76 EMERGENCY AUTHORITY

In case of a conflagration or extreme emergency involving a fire hazard, the officer or board having charge of the fire fighting force shall have full authority to summon and keep on duty any or all of the members of the fire fighting force while such conflagration or emergency continues.

## Historical Note

- Rev. Ord. 1961 c. 14 §2

## §77 ASSISTANCE TO OTHER CITIES OR TOWNS

The commissioner may furnish, on such occasions and to such extent as he may deem advisable,



the assistance of the department to another city, town or fire district, in extinguishing fires therein.

Historical Note

Rev. Ord. 1961 c. 14 §3

§78 DUTIES OF SUPERINTENDENT OF FIRE ALARM

The commissioner shall appoint a superintendent of fire alarm, who shall, under the direction of the commissioner, have the entire care and maintenance of the wires, posts, machinery, and appliances of the fire alarm telegraph and telephone system; shall see that all such wires, posts, machinery, and appliances are maintained in good order and condition; and shall keep in his office a map showing the locations of the same.

Historical Note

Rev. Ord. 1961 c. 14 §4

§79 MONTHLY REPORT ON FIRES

The commissioner shall make to the mayor a monthly report of the location and number of fires that have occurred in the preceding month, the cause of the same and the amount of property destroyed thereby, and shall, in his annual report, include a brief summary of such matters.

Historical Note

Rev. Ord. 1961 c. 14 §5

Cross Reference

Ordinances, Title 5 §126

§80 NOTICE FOR HEARING ON CHARGES

The commissioner shall, before calling before him a member of the department for a hearing on charges, give such member at least twenty-four hours' notice of the charges made, and shall allow him to be represented at the hearing by counsel.

Historical Note

Rev. Ord. 1961 c. 14 §6

§81 MINIMUM SALARIES

Effective as of January 1, 1972, the minimum annual compensation of firefighter members of the Fire Department of the city, in the classification and salary grades as herein set forth, shall be not less than the following:

For the first year of service, \$10,500.

For the second year of service, \$11,500.

For the third and each succeeding year of service, \$12,500.

"Service," under the provisions hereof, shall be deemed to commence with the date the appointee

firefighter is first assigned to duty and continue until death, retirement, or termination of employment of the appointee. In determining years of service, credit shall be given for all time or period of service prior to December 31, 1971. All step increments in higher salary grade shall become due at intervals of a year's service at the beginning of the second and third years of service and shall commence on the Sunday preceding the day on which such step increments shall become due.

Historical Note

Ord. 1972 c. 6

Chapter 5 - Public Works Department

Sec.

150	Powers and Duties of Commissioner
151	Deputy Commissioner
152	Use of Public Ways
153	Street Lighting
154	Bridges
155	Record of Sewer Construction
156	Sewer Plans
157	Notice of Sewer and Street Work
158	Permits for Street Work; Condition Thereof
159	Permits to Enter Drains
160	Permits to Obstruct Sidewalks
161	Permits for Coal Holes
162	Permits to Move Buildings
163	Permits for Laying Wires, Rails, Pipes and Conduits
164	Permits for Poles
165	Bonds Required Before Delivery of Permits
166	Permits Prohibited
167	Indemnity for City
168	Guards for Steps and Entrances
169	Excavations Under Sidewalk
170	Record of Notices of Defects
171	Water Supply
172	Water Bills
173	Water Income
174	Water Meters
175	Shutting Off Water
176	Record of Water Takers
177	Regulations for Water Takers
178	Engineering Work
179	Inspection and Measurement of Public Work
180	Discontinuance of Public Work
181	Charge Against Appropriations
182	Division Engineers; Qualifications
183	Certificate of Qualifications of Engineers
184	Annual Report
185	Vehicles Interfering With the Removal of Snow
186	Vehicles Interfering With the Collection of Garbage and Refuse

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## §150 POWERS AND DUTIES OF COMMISSIONER

There shall be in the city a department, known as the Public Works Department, which shall be under the charge of an officer, known as the Commissioner of Public Works, who shall be a civil engineer of recognized standing in his profession appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected; shall construct all streets and sewers; shall have discretionary power as to the grades, materials and other particulars of construction of streets, sidewalks and sewers; shall have charge of and keep clean and in good condition and repair the streets, all sewer systems under the control of the city and the catch-basins in the streets connected with the sewers; shall keep the streets properly watered; shall remove and dispose of, at the expense of the public works department, all refuse from buildings occupied by the city except those under the control of the school committee; shall remove and dispose of the following classes of refuse from dwelling houses and from housekeeping apartments or tenements, when it is placed in yards or areas so as to be easily removed, free of charge to the producers of such refuse and to the owners and occupants of such dwelling houses, apartments and tenements, viz., swill and kitchen garbage, dust and sweepings, ashes from fires used wholly or principally for heating or cooking, waste paper, cardboard, string, packing material, sticks, rags, waste leather and rubber, boxes, barrels, broken furniture and other similar light or combustible refuse; tins, bottles, jars, broken glass, broken crockery, bones, shells, waste or broken metals and all other similar heavy or incombustible refuse. But the department shall not be required to take any such refuse from hotels, apartment hotels, restaurants, shops, stores, or from any other building whatever except those first hereinbefore enumerated and except buildings occupied by the city. The department shall not so take the refuse of manufacturing or mercantile business, or dead animals, manure, plaster, building materials, earth or stones except from premises occupied by the city, but the department may take and dispose of any refuse upon payment by the producer thereof to the city of the charge fixed by clause (281) of Title 14 §450 of these ordinances. The department may, upon payment of the charge fixed by clause (280) of Title 14 §450 of these ordinances, receive and incinerate refuse at any refuse disposal incinerator constructed, maintained and operated by the city; except that it shall not receive thereat any refuse originating outside the city. The commissioner shall, on the fifteenth day of each month, send to the city auditor detailed bills of all material, tools and machinery furnished by either of the divisions of the department to any other division or for any special work.

The commissioner shall also have the powers and perform the duties which were conferred and imposed by chapters 2 and 3 of the Ordinances of 1905 upon the then board of park commissioners with respect to portions of Commonwealth Avenue and which were transferred by section 3 of chapter 10 of the Ordinances of 1912 to the board established by said chapter 10 as the board of park and recreation commissioners and renamed the board of park commissioners by section 1 of chapter 13 of the Ordinances of 1920 and which were subsequently transferred to the parks and recreation commission by sections 38 and 42 of chapter 2 of the Ordinances of 1954.

## Historical Notes

- Ord. October 7, 1833
- Ord. 1908 c. 3
- Ord. 1910 c. 9
- Ord. 1954 c. 2 §45
- Ord. 1955 c. 3
- Ord. 1956 c. 8
- Ord. 1959 c. 7 §1
- Rev. Ord. 1961 c. 21 §1

## Cross References

- Ordinances, Title 6 §4
- Ordinances, Title 7 §101
- Statutes, Title 15 Chapter 1

## §151 DEPUTY COMMISSIONER

The commissioner may, from time to time, by a writing approved by the mayor and deposited with the city auditor, designate, for such period as may be specified therein, one of his division engineers to be deputy commissioner. The deputy commissioner shall have authority, by virtue of such designation, to approve and sign bills, drafts, pay rolls, and requisitions, and to perform such other routine duties as the commissioner may require, but shall not have authority to make any permanent appointments nor to make contracts, except in the absence of the commissioner, and then only under a separate authorization under section 123 of Title 5 of these ordinances.

## Historical Note

Rev. Ord. 1961 c. 21 §2

## Cross Reference

Ordinances, Title 5 §123

## §152 USE OF PUBLIC WAYS

The commissioner shall have the jurisdiction vested by statute in the board of street commissioners in relation to the planting and removal of trees in the public ways and to the use of public ways for any temporary obstruction or projection in, under or over the same; but such jurisdiction shall only be exercised with the written approval of the mayor in each instance. The commissioner shall also have the powers and perform the duties conferred or imposed by statute on the board of street commissioners in relation to the use of parts of public ways for the storage and sale of merchandise.

## Historical Notes

Ord. 1954 c. 2 §46

Rev. Ord. 1961 c. 21 §3

## §153 STREET LIGHTING

The commissioner shall have charge of all lamps established by the city council and maintained at the expense of the city, of all lamps set up in parks, parkways or public grounds, and of all lamp-posts, posts or fixtures connected with such lamps, and shall set up and affix lamps in the streets; shall have the care and custody of all city property used or hereafter acquired for the purpose of street lighting, and shall maintain and keep the same in good repair.

## Historical Note

Rev. Ord. 1961 c. 21 §4

## Cross Reference

Ordinances, Title 7 §106

## §154 BRIDGES

The commissioner shall have the care and management of all bridges which are used as highways, and are in whole or in part under the charge of the city; shall keep the railings and wearing surface in good order and shall remove all dirt, snow and ice from the sidewalks; shall keep all

said bridges, or those parts thereof under his care, and the abutments, guards, draws and wharves thereof, clean and in good condition and repair; shall appoint drawtenders for the draws in bridges of which he has the care, and see that they properly perform their duties, and may remove them for such cause as he shall deem sufficient and shall assign in his order of removal. Each drawtender so appointed shall take charge by night and by day of the draw of which he is drawtender; shall require from the person in charge of a vessel applying to pass through the draw a true statement of the name, extreme width and draught of the vessel; shall determine the order in which vessels may pass through the draw; and may direct the placing of warping-lines, anchors and cables, and the use of any warping apparatus provided by the city; shall cause the draw to be opened for the passage of vessels in accordance with the regulations of the Department of the Army; shall cause the draw to be closed with all possible expedition after a vessel has passed through, not permitting more than one vessel to pass through at one opening of the draw, except that, when the draw is open and the bridge is free from persons desiring to cross, he may, in his discretion, permit other vessels to pass through before causing the draw to be closed; and shall perform such additional duties as said commissioner may require.

Historical Note

Rev. Ord. 1961 c. 21 §5

Cross Reference

Statutes, Title 11 §30

§155 RECORD OF SEWER CONSTRUCTION

The commissioner shall keep a book in which he shall record the date of every order for constructing a sewer, the name of the contractor or builder constructing it, the date of commencing and the date of completing the work, and the cost of the sewer. He shall make and deliver to the collector-treasurer all bills for assessments as they become due.

Historical Note

Rev. Ord. 1961 c. 21 §6

Cross Reference

Ordinances, Title 6 §154

§156 SEWER PLANS

The commissioner shall keep a plan for every existing and every new sewer, showing its depth, breadth, mode of construction and general direction, and shall, from time to time, ascertain and insert on such plans all entries made into the sewers.

Historical Note

Rev. Ord. 1961 c. 21 §7

§157 NOTICE OF SEWER AND STREET WORK

The commissioner shall, when about to build a new sewer or repair an old sewer, notify all abutters on that part of the line of said sewer when he proposes to do work, and afford them facilities



for entering the sewer; and shall, when about to construct a new street, at least four weeks before beginning work, and, when about to make a new surface of any street, at least two weeks before beginning work, notify all departments and persons authorized to place any structure in such street, and require and see that all departments and persons having any work to be done in the streets so designated shall do all such work before the surface of such street is again prepared for and opened to public travel; and, after the completion of the work then done on such street, shall not, for one year thereafter, permit any department or person to disturb the surface of such street or way within the area of such previous disturbance, except in case of obvious necessity; and shall make a record of the permits issued in such cases in a book to be kept for that purpose.

#### Historical Note

Rev. Ord. 1961 c. 21 §8

### §158

#### PERMITS FOR STREET WORK; CONDITIONS THEREOF

The commissioner may issue permits to persons having authority in the premises to open, occupy, obstruct and use portions of the streets. Such permits shall specify the time, place, size and use of such opening, occupation or obstruction, and shall be granted upon condition the terms of which shall be those stated in section 122 of Title 5 of these ordinances, and upon the further conditions as follows:

1. That the restoration of the paving or other surface of such streets shall be effected by the city as directed by the commissioner, the work to be done by city employees or by contract or otherwise at his discretion, the standard, type and extent of the repairs necessary to effect such restoration to be determined by him and to be paid for by the person receiving the permit, such payment to be made in advance on the basis of the commissioner's estimate or during the progress or after the completion of the restoration as the commissioner may elect.

2. That the person receiving the permit shall place and maintain from the beginning of twilight, through the whole of every night, over or near the place so occupied, opened, obstructed or used, and over or near any dirt, gravel or other material placed in or near such place, a light or lights sufficient to protect travelers from injury; shall place and maintain a safe and convenient way, satisfactory to the commissioner, for the use of foot travelers and for vehicles around or over such place; shall protect such trees as shall be designated by the parks and recreation department in such manner as said department shall specify; shall provide suitable sanitary accommodations for his employees; and shall deliver the coupon attached to the permit to an officer of the police force of said city on or before the expiration of the time fixed in the permit for completing the work, such coupon to be returned by said officer to the public works department.

3. That the commissioner may detail an inspector, at the expense of the person receiving the permit, to supervise said opening, occupation and use and to see that the backfilling is properly done.

4. That the commissioner may require the person receiving the permit to inclose the place in the streets so opened, occupied or used, with a rail, fence or other guard as specified by the commissioner.

5. That the commissioner shall require the person receiving the permit to maintain at the expense of such person such police officers on special duty (outside their regular tour of duty) as the police commissioner may deem necessary to avoid, so far as reasonably possible, danger to the safety of persons and substantial interference with the free circulation of traffic. This clause shall not prohibit reimbursement of such person for such expense if a contract between such person

and the city or any other person provides for such reimbursement.

Historical Notes

Ord. 1966 c. 5

Ord. 1967 c. 4

Rev. Ord. 1961 (Sup. 1971) c. 21 §9

Cross References

Statutes, Title 4 Chapter 1

Ordinances, Title 7 §§3,106

§159

PERMITS TO ENTER DRAINS

The commissioner may issue such a permit to competent mechanics for the purpose of entering particular drains into public drains and sewers, on condition the terms of which shall be those stated in section 158 of this chapter, and in addition that the person applying for the permit shall make connection of such drain with such sewer only in the manner shown on the back of the permit, and only in the presence of an inspector of the sewer division; shall have on the ground, when the inspector arrives to see the connection made, any slant, bend or curve to be used in making the connection; shall not cover up any work until inspected by one of such inspectors; shall not lay the drain in the same trench with a water pipe; shall not connect any exhaust from a steam engine, any blow-off from a steam boiler, or any other pipe for delivering steam or hot water, with the drain or sewer. The commissioner shall in each drain permit specify the size, material and mode of construction of the particular drain, and the direction and grade for laying it.

Historical Notes

Ord. 1960 c. 4 §2

Rev. Ord. 1961 c. 21 §10

§160

PERMITS TO OBSTRUCT SIDEWALKS

The commissioner may issue such a permit to a responsible person for the purpose of raising and lowering goods and merchandise into and from buildings, on condition the terms of which shall be those stated in section 122 of Title 5 of these ordinances, and in addition that the person applying for the permit shall maintain, during the whole time the work is in progress, good and sufficient barriers across the sidewalk, from the wall of the building to or from which the goods or merchandise are so raised out to the curbstone or edge of the sidewalk, on each side of said goods or merchandise, sufficient to protect travelers from injury or danger; and shall not encumber the sidewalk for more than fifteen minutes at a time for such work.

Historical Note

Rev. Ord. 1961 c. 21 §11

Cross Reference

Ordinances, Title 5 §122

## §161 PERMITS FOR COAL HOLES

The commissioner shall issue such a permit to any person authorized by the public improvement commission to place a coal hole, vault or coal slide under a street, or a cover thereto, on condition the terms of which shall be those stated in section 158 of this chapter, and in addition that the person applying for the permit shall make the underground structure of suitable construction satisfactory to the commissioner, and shall pay such fee as may be prescribed by ordinance; shall make the opening of a coal hole or coal slide circular, and not more than eighteen inches in diameter, and furnish a cover therefor of iron, made with a rough upper surface, and with three or more iron rods or legs at least two feet in length, fitting closely to the side of the opening, and projecting downwards from the underside of the cover, and so constructed that, while the cover can be lifted perpendicularly, it cannot be tipped or easily removed from the opening.

## Historical Notes

Reg. Bd. of Ald. October 19, 1863

Rev. Ord. 1890 c. 18 §8

Ord. 1954 c. 2 §49

Rev. Ord. 1961 c. 21 §12

## Cross Reference

Ordinances, Title 8 §500

## §162 PERMITS TO MOVE BUILDINGS

The commissioner shall issue such a permit to a building mover actually engaged in the business, for the purpose of moving a building through the streets, on condition the terms of which shall be those stated in section 158 of this chapter; provided, that an application for such permit, describing the locations from and to which, and the route over which, the building is to be moved, the length, width and height of the building, and the principal material of its exterior and roof, and accompanied by the written consent of the building commissioner to the placing of the building on the lot proposed, shall be first made to the commissioner. Whenever it appears that the moving of a building will encumber the tracks of any railroad corporation, a public hearing shall be given by the commissioner upon the subject before such permit is issued.

## Historical Notes

Ord. 1954 c. 2 §50

Rev. Ord. 1961 c. 21 §13

## §163 PERMITS FOR LAYING WIRES, RAILS, PIPES AND CONDUITS

The commissioner shall, when authorized thereto by an order of the public improvement commission, issue such a permit to a responsible person for the purpose of laying, maintaining and using wires, railway tracks or rails in the streets, or wires, pipes or conduits under the surface thereof, on condition the terms of which shall be those stated in section 158 of this chapter, and in addition that the person applying for the permit shall, whenever requested so to do by the mayor, furnish in his conduits for wires accommodations free of charge for all wires belonging to, or to be used by, the city; shall remove the conduits and wires whenever directed, and not



until directed, so to do by an order of the public improvement commission approved by the mayor; and shall not disturb or interfere with any wires, pipes, or sewers lawfully laid in such street or connected therewith.

#### Historical Notes

Ord. 1954 c. 2 §51

Rev. Ord. 1961 c. 21 §14

#### Cross References

Ordinances, Title 8 Chapter 11

Statutes, Title 8 §500

### §164

#### PERMITS FOR POLES

The commissioner shall, when authorized thereto by an order of the public improvement commission, issue such a permit to a responsible person for the purpose of placing and maintaining in the streets poles for the support of wires, on condition the terms of which shall be those stated in section 158 of this chapter, and in addition that the person applying for thee permit shall keep the poles well painted and in good condition, to the satisfaction of the commissioner; shall place the wires on the poles not less than twenty-one feet from the ground; shall keep the name of the person owning the pole distinctly painted on the crossbars used and occupied by him on the pole, and also on the pole at a point not less than six feet nor more than eight feet from the ground; shall allow the departments of the city the exclusive use of the lowest crossbar of each pole, free of all charge, for the purpose of placing wires thereon; shall not suffer or permit any other person to place or keep wires on the poles, or upon the fixtures thereto affixed, without permission being first obtained in writing from the public improvement commission; shall not remove any pole erected under the order until, and shall remove any pole when, directed by the public improvement commission so to do; and that on the violation of any term of these conditions the commissioner shall remove the poles at the expense of the person owning them.

#### Historical Notes

Ord. 1954 c. 2 §51

Rev. Ord. 1961 c. 21 §15

### §165

#### BONDS REQUIRED BEFORE DELIVERY OF PERMITS

The commissioner shall not deliver any such permit to any person for the applicant therefor until he has received from such person a certificate that a copy of the permit entered in a book kept for the purpose, is a correct copy of the permit he receives, and the applicant, unless an employee of the city applying for a permit for public work, has given a bond in the case of permits under sections 158, 159, 160, 161 and 162 of this chapter, of five thousand dollars, and under sections 163 and 164 of this chapter, of twenty thousand dollars, each bond, with one or more sureties satisfactory to the commissioner, conditioned upon the faithful observance of the conditions and specifications of each and every permit thereafter issued on his application by the commissioner; and the commissioner may at any time require a new bond, which shall be considered a strengthening bond, unless the sureties on the former bond or bonds are expressly released from their liability by vote of the city council. No bond shall be required of any person to open a public street

for the purpose of planting a tree therein if such person has been duly authorized by the proper municipal authorities to plant trees in such street.

#### Historical Notes

Rev. Ord. 1961 c. 21 §16

Ord. 1964 c. 2

Rev. Ord. 1961 (Sup. 1971) c. 21 §16

#### Cross References

Ordinances, Title 6 §155

Ordinances, Title 7 §106

### §166 PERMITS PROHIBITED

The commissioner shall not issue any such permit to a person who has within twelve months previous to his application violated or failed to observe the conditions or specifications of any such permit.

#### Historical Note

Rev. Ord. 1961 c. 21 §17

### §167 INDEMNITY FOR CITY

Every owner of an estate hereafter maintaining any cellar, vault, coal hole or other excavation under the part of the street which is adjacent to, or a part of, his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part to hold the city harmless from any claims for damage to himself or the occupants of such estate resulting from gas, sewage or water leaking into such excavation or upon such estate; and every such owner and every person maintaining a post, pole or other structure in a street, or a wire, pipe, conduit or other structure under a street, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the city to keep the same and the covers thereof in good repair and condition at all times during his ownership and to indemnify and save harmless the city against any and all damages, costs, expenses or compensation which it may sustain or be required to pay, by reason of such excavation or structure being under or in the street, or being out of repair during his ownership, or by reason of any cover of the same being out of repair or unfastened during his ownership.

#### Historical Notes

304 Mass. 18

Reg. Bd. of Ald. October 19, 1863

Rev. Ord. 1890 c. 18 §12

Rev. Ord. 1961 c. 21 §18

### §168 GUARDS FOR STEPS AND ENTRANCES

The commissioner shall require every person who maintains an entrance on a level with or below, or a flight of steps descending immediately from or near, the line of the street, which is not

otherwise safely guarded to the satisfaction of the commissioner, to enclose such entrance or steps with a permanent iron railing on each side at least three feet high from the top of the side walk or pavement, and to provide the same with a gate opening inwardly, or with two iron chains across the entrance way, one near the top and the other half way from the ground to the top of the railing, and to keep such gates or chains closed during the night, unless the entrance or steps are sufficiently lighted to prevent accident.

Historical Note

Rev. Ord. 1961 c. 21 §19

§169

EXCAVATIONS UNDER SIDEWALK

The commissioner shall close and fill up, at the expense of the owner of the premises abutting on a sidewalk, any excavation under such sidewalk, whether constructed under a permit or not, which has not been closed and filled up within five days after the public improvement commission has ordered the owner so to do.

Historical Notes

Ord. 1954 c. 2 §52

Rev. Ord. 1961 c. 21 §20

Cross References

Ordinances, Title 8 §500

Statutes, Title 14 §155

§170

RECORD OF NOTICES OF DEFECTS

The commissioner shall keep a record of the notices of defects in streets sent to him, with the name of the person giving the notice and the time when given, and shall without delay cause the locality of the alleged defect to be examined, and, if the defect is of such a character as to endanger the safety of public travel, shall do whatever may be necessary to protect the public from injury by the defect, and shall cause it to be immediately repaired.

Historical Note

Rev. Ord. 1961 c. 21 §21

§171

WATER SUPPLY

The commissioner shall have the care and control of all property acquired or held by the city for the purposes of its water supply; shall maintain the same in good order and condition; shall use and operate the same and furnish all supplies required therefor; shall purchase, lay, maintain and test all meters, pipes and other fixtures and appliances necessary for supplying water to the inhabitants of the city, including the placing of drinking fountains and supplying the same with cold water; shall take all measures necessary to protect and preserve the purity of the water; shall exercise a constant supervision over the use of water; shall have control of the water supply and may in a public emergency shut the water off and let it on at such times as he deems necessary;



shall, with the approval of the mayor, from time to time determine and establish the rates for the use of water; shall, whenever a water rate has remained unpaid for thirty days after its due date, send notice to the owner or tenant of the premises to which the water is supplied, that the water rate has become a lien on the premises and that if the water rate continues to remain unpaid, the water will be shut off; shall, if a water rate is not paid within ten days after sending the notice herein provided for, shut off the water from the particular service unless such action is inconsistent with law or unless, in the opinion of a physician designated by the commissioner, the shutting off of such water would endanger the life of any person; shall not let on again water shut off for nonpayment of a water rate until a service charge of two dollars, in addition to the amount of the unpaid account, is paid except where the law requires the letting on again of the water without the payment of the unpaid account. However, the commissioner may, in his discretion, waive the payment of such two dollar service charge where the unpaid account is less than twenty dollars. The provisions relative to the shutting off and letting on of water shall apply when two or more persons take water from the same service pipe although one or more may have paid the amount due from him or them. No charge shall be made for sending the notice herein provided for.

#### Historical Notes

Ord. 1941 c. 6

Rev. Ord. 1961 c. 21 §22

## §172

### WATER BILLS

The commissioner shall, consistently with the ordinances, make contracts for the sale of water, and send out bills therefor, which shall be payable to the collector-treasurer; shall provide that bills for specific supplies of water shall be due and payable in advance and actually paid before the water is let on, that bills for water furnished and measured by meter shall not be less than eight dollars during any consecutive twelve months' period and shall be due and payable on the due date specified on each bill rendered, and that the due dates thus specified shall be so established as to require payments at least as often as semi-annually. All contracts shall stipulate that an omission to send or a failure to receive a water bill under this section or a notice under the preceding section shall not affect the validity either of the water rate or of the proceedings for its enforcement or collection.

#### Historical Notes

Ord. 1954 c. 2 §53

Rev. Ord. 1961 c. 21 §23

#### Cross References

Statutes, Title 4 §1

Ordinances, Title 6 §154

## §173

### WATER INCOME

The commissioner may designate one of his subordinates to be the head of the water division, who shall, if the commissioner so directs, make abatements of charges for water where improperly assessed and exercise the powers of the commissioner relative to the shutting off of water for

nonpayment of a water rate and the waiver of the service charge for the shutting off and letting on of water; who shall also receive all money paid for service charges for the shutting off and letting on of water and all money paid or deposited on account of main, service, fire, elevator, motor and other pipes and the laying thereof and for repair work; shall give a receipt in behalf of the city therefor; shall pay, from the money so received, the amount found by him to be due the person paying any such money, as excess over the amount due the city; and shall, on or before the fifth day of every month, pay over the money in his possession due the city, and account for all money so received by him since the last accounting, as provided in section 118 of Title 5 of these ordinances.

Historical Notes

Ord. 1930 c. 6

Rev. Ord. 1961 c. 21 §24

§174

WATER METERS

The commissioner shall, from time to time, as he deems necessary, apply, remove and test water meters and maintain the same in good condition; shall record, in a book kept for the purpose, a statement of the style, size, number of each meter, date when purchased, location, date when set, reading at such date, date when taken out, the reason therefor, the reading at such date, a detailed statement of test and percentage of errors shown, and the reading and date when reset; also a description of all defects and repairs of such meters.

Historical Note

Rev. Ord. 1961 c. 21 §25

§175

SHUTTING OFF WATER

The commissioner, whenever the water has been shut off from any premises because the bill for water has not been paid and there is a change in the ownership of the premises, may let the water on again without waiting for the payment of the amount due from the former owner. In case of contracts for specific supplies he shall shut the water off as soon as the contract has been carried out.

Historical Note

Rev. Ord. 1961 c. 21 §26

Cross Reference

Statutes, Title 4 §1

§176

RECORD OF WATER TAKERS

The commissioner shall keep suitable books, in which shall be entered the names of all persons who take water, the kind of building in which it is taken, the name of the street and the number thereon, the nature of the use, the number of taps, and the rate assessed.

Historical Note

Rev. Ord. 1961 c. 21 §27

## §177

## REGULATIONS FOR WATER TAKERS

The commissioner shall cause the following regulations to be printed on every bill for water, which regulations shall constitute a part of the contract with every taker of water furnished by the city:--

## Regulations.

1. Every water taker shall pay the rates for water furnished on his application within the time and at the place specified in the bills therefor; shall, at his own expense, keep the service pipes within his premises, including any area or vault beneath the sidewalk, in good order and repair and protected from frost; shall not allow the water to leak away or run to waste; shall not -- unless he pays the rates established therefor or takes water by meter rates -- use water from a hose; shall not use water from a hose in any case, except during such days and hours and in such manner as the commissioner of public works may from time to time specify; shall not make any changes in the pipes or water fixtures under the street or within his premises, unless such change is approved by the commissioner; shall not conceal the purpose for which the water is used; shall allow the commissioner and persons authorized by him to enter the premises supplied with water, examine the fixtures, and ascertain the quantity of water used, the manner of use, and whether there is unnecessary waste; and shall indemnify the city for all damages it may sustain or be required to pay in consequence of any injury resulting from any violation of these regulations by the water taker.

2. Every water taker must stop the use of water for any purpose when required to do so by the commissioner of public works and must guard against collapse of a boiler and other injuries liable to result from want of water, as the water is liable to be shut off at any time without notice.

3. No water taker shall, except in accordance with a written permit from the commissioner of public works or in case of fire in the neighborhood, allow water to be taken from his premises, or use water for any purpose other than those for which he pays, or open any hydrant attached to the water pipes of the city.

4. No water taker shall demand or be entitled to any abatement of his water rates for any year on account of the premises being vacated, unless they are vacated before the first day of January and notice thereof is given to the commissioner of public works before the first day of February of such year; nor shall any water taker demand or be entitled to any abatement of rates, compensation, or damage on account of the shutting off, or the stopping of the use, of water for any cause.

5. The commissioner of public works shall equip with water meters all new services installed; shall, if a water taker refuses to allow a water meter to be placed on his premises, cause the water to be shut off from the same; may without notice, cause the water to be shut off from any premises or require the use of water for any purpose designated by him to be stopped; and may, if any water taker, whether supplied through an independent service pipe or a service pipe used in common with another, violates any of these regulations, cause the water to be shut off from all premises supplied by such pipe until satisfied that the regulations will be observed and that all amounts due for water have been paid to the collector-treasurer, together with such further sum, not exceeding ten dollars, as the collector-treasurer may require.

## Historical Notes

St. 1907 c. 524

St. 1909 c. 177

Ord. 1954 c. 2 §54

Rev. Ord. 1961 c. 21 §28



## Cross References

Statutes, Title 4 §1

Ordinances, Title 6 §154

Statutes, Title 14 §172

## §178

## ENGINEERING WORK

Except as otherwise provided by statute, the commissioner of public works shall have full charge of all engineering work of every nature and description connected with all public works and all public improvements, and shall make such surveys, plans, estimates, statements and descriptions, and take such levels, as any officer of the city may need in the discharge of his duties, and shall have the custody of all surveys and plans relating to the laying out, relocating, altering, widening, constructing, making specific repairs on, and discontinuing public ways and alleys.

## Historical Notes

Ord. 1954 c. 2 §55

Rev. Ord. 1961 c. 21 §29

## §179

## INSPECTION AND MEASUREMENT OF PUBLIC WORK

The commissioner shall, by himself or by his duly authorized agents, inspect and measure all public work done under his direction by any department by contract or otherwise, and the city auditor, in case any bill or estimate for such work is presented to him for allowance, may require from the commissioner a certificate for such bill or estimate stating whether the materials have been furnished or the work done in accordance with proper engineering standards or in accordance with the terms of the contract for such work.

## Historical Note

Rev. Ord. 1961 c. 21 §30

## Cross References

Statutes, Title 4 §1

Ordinances, Title 6 §4

## §180

## DISCONTINUANCE OF PUBLIC WORK

The commissioner shall have authority to order any public work, whether done by a department or under contract or otherwise, to be discontinued, reconstructed or removed, whenever in his opinion such work fails in any manner to comply with or fulfill the terms, conditions, specifications and requirements of any such contract or agreement, or fails in his opinion to conform with proper engineering standards.

## Historical Note

Rev. Ord. 1961 c. 21 §31

## Cross Reference

Statutes, Title 4 §1

## §181 CHARGE AGAINST APPROPRIATIONS

Any expense incurred by the commissioner in carrying out any of the provisions of this chapter, except as provided for by the appropriation for the department of public works, shall be charged to the several appropriations under which the works are authorized or paid for, upon requisition of the commissioner.

## Historical Note

Rev. Ord. 1961 c. 21 §32

## §182 DIVISION ENGINEERS; QUALIFICATIONS

The commissioner shall divide the public works department from time to time into an engineering division and such other divisions as the commissioner shall adjudge necessary for the proper conduct of the department. Each division shall be in charge of a civil engineer of recognized standing in his profession, who shall be an expert in the duties which may devolve upon him, and shall devote his whole time to the work.

## Historical Notes

Ord. 1954 c. 2 §56

Ord. 1960 c. 7

Rev. Ord. 1961 c. 21 §33

## §183 CERTIFICATE OF QUALIFICATIONS OF ENGINEERS

In appointing an engineer to take charge of a division of the department the commissioner shall certify that he is a civil engineer of recognized standing in the profession, that in the commissioner's opinion he is an expert in the work which will devolve upon him, that he is a person specially fitted by education, training or experience to perform the duties which may devolve upon him, and that the appointment is made solely in the interest of the city, such certificate to be filed with the city clerk and to be open to public inspection.

## Historical Note

Rev. Ord. 1961 c. 21 §34

## Cross Reference

Ordinances, Title 2 §550

## §184 ANNUAL REPORT

The commissioner shall, in his annual report, include a statement of the repairs and expenditures on each street and each bridge under his charge, of the number of times each draw of a bridge has been opened for the passage of vessels, of the number of vessels laden with cargo that have passed through each draw, of the number of water takers and the purposes for which the water

is taken, of the number and kind of water meters installed during the previous year, of the number and kind of water meters in use, of the number of cases where the water has been shut off, and of the number and amount of abatements which have been made during the preceding year on water rates.

#### Historical Notes

Ord. 1954 c. 2 §57

Rev. Ord. 1961 c. 21 §35

### §185

#### VEHICLES INTERFERING WITH THE REMOVAL OF SNOW

For the purpose of plowing or removing snow from a street, the commissioner of public works or such subordinate or subordinates (as defined in clause Ninth of section 1 of Title 1) as he may from time to time designate may remove, or cause to be removed, to some convenient place, including in such term a public garage and an open-air parking space, any vehicle in such street interfering with the plowing or removal of snow therein, except a vehicle owned by the commonwealth or a political subdivision thereof or by the United States or an instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered. At the time of such removal, a record in duplicate of the registration number of every vehicle removed under this section, a general description of such vehicle, the date and time of removal, and the place from which as well as the place to which the vehicle is removed shall be made by or for the commissioner, who shall keep one copy on file and forthwith send the other copy to the police commissioner.

The owner of every vehicle removed under this section shall be liable for the cost of such removal and of the storage charges, if any, resulting therefrom; provided that the cost of removal shall not exceed twelve dollars and that the cost of storage shall not exceed fifty cents for the first hour (or fraction thereof), or ten cents for each subsequent hour (or fraction thereof), of storage.

#### Historical Notes

Ord. 1945 c. 3

Ord. 1954 c. 2 §84

Ord. 1962 c. 2

Rev. Ord. 1961 (Sup. 1971) c. 21 §37

#### Cross Reference

G.L. c. 40 §21 cl. 16

### §186

#### VEHICLES INTERFERING WITH THE COLLECTION OF GARBAGE AND REFUSE

For the purpose of facilitating the collection of garbage and refuse, the commissioner of public works or such subordinate or subordinates (as defined in clause Ninth of section 4 of chapter 1) as he may from time to time designate may remove, or cause to be removed, to some convenient place in the city, including in such term a public garage, from any portion of a public way in the city or from any private way therein open to public use, any vehicle parked contrary to a



sign within one hundred feet banning parking at such time and place, except a vehicle owned by the commonwealth or a political subdivision thereof or by the United States or an instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered. At the time of such removal, a record in duplicate of the registration number of every vehicle removed under this section, a general description of such vehicle, the date and time of removal, and the place from which as well as the place to which the vehicle is removed shall be made by or for the commissioner, who shall keep one copy on file and forthwith send the other copy to the police commissioner.

The owner of every vehicle removed under this section shall be liable for the cost of such removal and of the storage charges, if any, resulting therefrom; provided that the cost of removal shall not exceed twelve dollars and that the cost of storage shall not exceed fifty cents for the first hour (or fraction thereof), or ten cents for each subsequent hour (or fraction thereof), of storage.

#### Historical Note

Ord. 1972 c. 9

#### Cross Reference

Statutes, Title 11 §258

Chapter 7 -- Real Property Department

Sec.

250	Real Property Board. Appointment, Term, Compensation, Duties
251	Committee on Foreclosed Real Estate
252	Powers and Duties of Commissioner. Appointment of Auctioneer, Superintendent of Markets
253	Assistant Commissioner of Real Property. Powers and Duties
254	Assistant Commissioner of Real Property to Have Custody of Faneuil Hall
255	Lease of Stalls by Assistant Commissioner of Real Property
256	Care of Dillaway House by Assistant Commissioner of Real Property
257	Designation of Ward-Rooms
258	Assistant Commissioner to Have Custody of Ward-Rooms
259	Permits for Ward-Rooms; Revocation, Conditions

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**§250 REAL PROPERTY BOARD. APPOINTMENT, TERM, COMPENSATION, DUTIES**

There shall be in the city a department, known as the Real Property Department, which shall be under the charge of a board, known as the Real Property Board, consisting of an officer, known as the Commissioner of Real Property, appointed by the mayor, who shall be chairman of the board, an officer, known as the Assistant Commissioner of Real Property, appointed by the mayor, and three other officers, known as Associate Commissioners of Real Property, appointed by the mayor. The commissioner of real property and the assistant commissioner of real property shall each be appointed for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected and shall devote their whole time to the work. As the term of any associate commissioner in office when this ordinance takes effect, or of any subsequent associate commissioner, expires, his successor shall be appointed by the mayor for a term of three years. Any vacancy in the office of an associate commissioner shall be filled by the mayor for the unexpired term. The associate commissioners of real property shall receive no compensation for their services as such associate commissioners.

The real property board shall have the powers and perform the duties conferred or imposed on the board of real estate commissioners by chapter 434 of the acts of 1943, as amended, and by chapter 474 of the acts of 1946, as amended. The real property board shall also have the powers and perform the duties conferred or imposed by statute on the board of street commissioners in relation to the abatement of taxes. The real property board shall divide the real property department from time to time into such divisions as said board shall adjudge necessary for the proper conduct of the department.

**Historical Notes**

Ord. 1954 c. 2 §58

Rev. Ord. 1961 c. 22 §1

**Cross References**

St. 1943 c. 434

St. 1946 c. 474

Ordinances, Title 8 §500

Statutes, Title 5 §102

## §251 COMMITTEE ON FORECLOSED REAL ESTATE

The mayor shall appoint from the real property board a committee consisting of the chairman and two other members to be known as the Committee on Foreclosed Real Estate. Said committee shall have the powers and perform the duties conferred or imposed by law on the committee on foreclosed real estate established under section 4 of chapter 434 of the acts of 1943.

## Historical Note

Rev. Ord. 1961 c. 22 §2

## Cross References

St. 1943 c. 434 §4

Ordinances, Title 5 §102

## §252 POWERS AND DUTIES OF COMMISSIONER. APPOINTMENT OF AUCTIONEER, SUPERINTENDENT OF MARKETS

The commissioner of real property shall have the powers and perform the duties conferred or imposed on the chairman of the board of real estate commissioners by chapter 434 of the acts of 1943, as amended, and shall exclusively have the powers, and perform the duties, of a department head with respect to the appointment, suspension, discharge, compensation and indemnification of subordinantes for the real property department (and the several officers thereof), including an auctioneer, who shall have the powers and perform the duties prescribed for the auctioneer in the office of the board of real estate commissioners by section 2A of chapter 652 of the acts of 1945 as amended by section 3 of chapter 633 of the acts of 1951, and including also a superintendent of markets, who, subject to the supervision and control of the assistant commissioner of real property, shall have the charge and control of Faneuil-hall market and Faneuil-hall market limits; shall preserve order therein; shall make such changes, and place or allow to be placed in said market such pipes, drains, and other appliances, as he may deem proper; and shall take and forthwith destroy any article of food which in his opinion is diseased, unwholesome, or tainted, and is kept for sale within such market limits. Said superintendent may assign stands within such market limits for the sale of provisions and other articles, and may, at the expense of the owner thereof, remove from one place or stand to another within such limits, or to, and to be kept in, a proper storage place until the expense is paid, any merchandise, vehicle or animal, not under the charge of any person, or not immediately so removed on the direction of said superintendent or his deputies.

## Historical Notes

St. 1943 c. 78

Ord. 1946 c. 5

Rev. Ord. 1961 c. 22 §3

## Cross References

St. 1943 c. 434

St. 1945 c. 652 §2A

St. 1951 c. 633 §3



## §253 ASSISTANT COMMISSIONER OF REAL PROPERTY. POWERS AND DUTIES

The assistant commissioner of real property shall have the care, custody and management of, shall make all repairs in and upon, and shall keep in repair the furniture of, all buildings and parts of buildings belonging to or hired by the city, not wholly in charge of one department, or for which no other provision is made by statute or ordinance, whether the same are used for city or county purposes, and may, with the approval of the mayor, hire such buildings or rooms as may be required for such purposes; shall have the care and control of the city hall and the city hall annex; shall have the care and custody of the flags belonging to the city hall and to the old state house; shall display the national flag upon the city hall on every day, except Sundays, weather permitting; shall have charge of all city property in the armories provided by the city for the militia; and shall cause to be included in the annual report of the real property board a statement of the kind and amount of city property in such armories, of all buildings belonging to or used by the city, and of the land and appurtenances thereof, of the condition of such buildings and land, and the nature and amount of the expenditures that have been made during the preceding year relative thereto.

## Historical Notes

Ord. July 1, 1850

Rev. Ord. 1961 c. 22 §4

## Cross Reference

Ordinances, Title 1 §§5,6

## §254 ASSISTANT COMMISSIONER OF REAL PROPERTY TO HAVE CUSTODY OF FANEUIL HALL

The assistant commissioner of real property shall have the care, custody and management of Faneuil hall, shall, weather permitting, every day except Sundays, display the national flag upon the building in which said hall is located, shall, upon vote of the city council approved by the mayor and payment of the charge prescribed by clause (158) of section 450 of Title 14 of these ordinances, permit the use of said hall, and shall hold all persons signing the application for such permit jointly and severally liable for all damage done to said hall at or in connection with the meeting for which such permit is granted.

## Historical Notes

Ord. 1956 c. 7 §5

Rev. Ord. 1961 c. 22 §5

## Cross References

Ordinances, Title 1 §10

Ordinances, Title 14 §450

## §255 LEASE OF STALLS BY ASSISTANT COMMISSIONER OF REAL PROPERTY

The assistant commissioner of real property shall lease, from time to time, by instruments approved as to form by the corporation counsel and approved in writing by the mayor, the stalls, cellars, and second floor in Faneuil-hall market for terms of three years at the rents established by the

city council and upon such other terms and conditions as may be approved by the corporation counsel and the mayor.

#### Historical Note

Rev. Ord. 1961 c. 22 §6

#### Cross References

Ordinances, Title 2 §353

Statutes, Title 4 §8

Ordinances, Title 5 §450

Ordinances, Title 11 §254

### §256 CARE OF DILLAWAY HOUSE BY ASSISTANT COMMISSIONER OF REAL PROPERTY

The assistant commissioner of real property shall have the care, custody and management of the Dillaway house, so called, in the Roxbury district of the city, may establish rules and regulations for the use and preservation of said house as a historical relic of the revolutionary war, and may, upon vote of the city council approved by the mayor, let or lease the whole or any part of said house to a historical society or other association organized for historical purposes.

#### Historical Notes

Ord. 1934 c. 1

Rev. Ord. 1961 c. 22 §7

### §257 DESIGNATION OF WARD-ROOMS

The assistant commissioner of real property shall designate, in the places named in orders of the city council, a suitable room to be used for a ward-room for the ward in which it is situated. If any such room cannot be so used at any time, said assistant commissioner shall provide accommodation elsewhere for any public meeting in such ward for which he shall issue a permit.

#### Historical Notes

St. 1914 c. 630

Rev. Ord. 1961 c. 22 §8

#### Cross References

G.L. c. 54 §1

Ordinances, Title 2 §201

### §258 ASSISTANT COMMISSIONER TO HAVE CUSTODY OF WARD-ROOMS

The assistant commissioner of real property shall have the care and custody of, shall determine the use of, and provide for opening, closing, lighting, and heating the ward-rooms; shall frame and keep in some conspicuous place therein a copy of this and the following section, and as soon as a list or a revised list of voters in a ward is prepared by the election commissioners shall

keep posted or hung up a copy thereof in the ward-room of the ward in such a manner as to be readily accessible to the public, and such copies shall be altered, revised or removed only under the direction of the election commissioners or said assistant commissioner.

Historical Note

Rev. Ord. 1961 c. 22 §9

Cross Reference

Ordinances, Title 2 §200

§259

PERMITS FOR WARD-ROOMS; REVOCATION, CONDITIONS

The assistant commissioner of real property, when a written application (containing a copy of the call for a meeting notifying all persons who may be present that it will be subject to the provisions of this section) is made to him by not less than five legal voters of a ward for the use of a ward-room for the purpose of holding such meeting, and when he is paid such sum of money as will in his opinion be sufficient to defray the expense of opening, lighting, heating, and closing the ward-room during the time specified in the permit, may issue a permit for the use of such ward-room, which permit may at any time be revoked by the mayor. Said assistant commissioner shall specify in the permit the time and purpose of the meeting, and that the meeting will be subject to the following provisions, viz.: Only legal voters in the ward in which such meeting is held, and to whom no objection is made by the majority of such applicants as are present or by the presiding officer of such meeting, shall mark or vote, or remain at such meeting, and the members of the police force present shall keep the peace at such meeting, obey the lawful orders of, and remove such persons as shall be designated by, the majority of such applicants as are present, or after the election of a presiding officer of the meeting, such persons as shall be designated by such presiding officer. Said assistant commissioner shall request the police commissioner to detail police sufficient to enforce such provisions.

Historical Note

Rev. Ord. 1961 c. 22 §10

Cross References

Ordinances, Title 2 §208

Ordinances, Title 11 §1



Chapter 9 -- Library Department and Trustees of the Public Library

Sec.

350 Duties of Trustees  
351 Annual Report

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§350 DUTIES OF TRUSTEES

The library department shall be under the charge of a board of five trustees, who shall adopt such measures as shall extend the benefits of the institution as widely as possible, and may from time to time establish branch libraries and delivery stations in different sections of the city; and shall annually appoint an examining committee of not less than five persons, not members of the board, who, with one of the board as chairman, shall examine the library and make to the board a report of its conditions.

## Historical Notes

St. 1853 c. 38  
St. 1878 c. 114  
St. 1885 c. 266 §§6,12  
Rev. Ord. 1961 c. 18 §1

§351 ANNUAL REPORT

The board shall, in its annual report, include a statement of the condition of the library, the number of books that have been added thereto during the year, the report of the committee appointed to examine the library, and the total amount of money received from fines and sales.

## Historical Note

Rev. Ord. 1961 c. 18 §2

Chapter 11 -- Civil Defense Department

Sec.

400	Department of Civil Defense
401	Director of Civil Defense
402	Civil Defense Advisory Council
403	Police Aid to Other Cities and Towns in Event of Riots and Other Violence Therein
404	Termination of Ordinance
405	Definition

---

§400 DEPARTMENT OF CIVIL DEFENSE

There is hereby established a department of civil defense (hereinafter called the "department"). It shall be the function of the department to have charge of civil defense as defined in section 1, chapter 639, acts of 1950, and to perform civil defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the governor under said chapter 639.

## Historical Notes

Ord. 1950 c. 8

Rev. Ord. 1961 (Temporary Ord.)

## Cross Reference

St. 1950 c. 639 §1

§401 DIRECTOR OF CIVIL DEFENSE

The department shall be under the direction of a director of civil defense (hereinafter called the "director"), who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration, and operation of the department subject to the direction and control of the appointing authority and shall receive such salary as may be fixed from time to time by the appointing authority. The director may, within the limits of the amount appropriated therefor, appoint such experts, clerks, and other assistants as the work of the department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of chapter 639, acts of 1950. The director shall also have authority to appoint district coordinators and may accept and may receive on behalf of the city, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause appropriate records to be kept of all matters relating to such gifts, grants, or loans.

## Historical Notes

Ord. 1950 c. 8

Rev. Ord. 1961 (Temporary Ord.)

## Cross Reference

St. 1950 c. 639

## §402 CIVIL DEFENSE ADVISORY COUNCIL

There is hereby established a civil defense advisory council (hereinafter called the "council"). Said council shall serve without pay and shall consist of the director of civil defense, such other department heads and such other persons as the authority appointing said director may deem necessary. Such member of said council as said appointing authority shall designate shall serve as chairman of said council. Said council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the director on matters pertaining to civil defense.

## Historical Notes

Ord. 1950 c. 8

Rev. Ord. 1961 (Temporary Ord.)

## §403 POLICE AID TO OTHER CITIES AND TOWNS IN EVENT OF RIOTS AND OTHER VIOLENCE THEREIN

The police department is hereby authorized to go to aid another city or town at the request of said city or town in the suppression or riots or other forms of violence therein.

## Historical Notes

Ord. 1950 c. 8

Rev. Ord. 1961 (Temporary Ord.)

## Cross Reference

Ordinances, Title 11 §1

## §404 TERMINATION OF ORDINANCE

This ordinance shall remain in force during the effective period of chapter 639, acts of 1950, and any act in amendment or continuation thereof or substitution therefor.

## Historical Notes

Ord. 1950 c. 8

Rev. Ord. 1961 (Temporary Ord.)

## Cross Reference

St. 1950 c. 639

## §405 DEFINITION

All references to chapter 639, acts of 1950, as now in force shall be applicable to any act or acts in amendment or continuation of or substitution for said chapter 639.

## Historical Notes

Ord. 1950 c. 8

Rev. Ord. 1961 (Temporary Ord.)

## Cross Reference

St. 1950 c. 639





## TITLE 12

## PUBLIC HEALTH AND WELFARE

Chap.		Sec.
1	Department of Health and Hospitals and Trustees of Health and Hospitals .	1
3	Veterans' Services Department . . . . .	50
5	Council on Aging . . . . .	100
7	Commission on the Physically Handicapped . . . . .	150
9	Commission on Mental Retardation . . . . .	200
11	Youth Activities Commission and Corporation . . . . .	250
13	Drug Abuse Coordinating Council . . . . .	300
15	Penal Institutions Department . . . . .	350

Chapter 1 -- Department of Health and Hospitals and  
Trustees of Health and Hospitals

Sec.

1	Department of Health and Hospitals
2	Mayor's Approval for Closing or Reducing Bed Capacity of Facilities

## §1 DEPARTMENT OF HEALTH AND HOSPITALS

There shall be in the city a department, known as the Department of Health and Hospitals, as provided in the charter as that term is defined in clause Fifth of section 7 of chapter 4 of the General Laws.

## Historical Notes

Ord. December 2, 1872  
 Ord. 1954 c. 2 §31  
 Ord. 1968 c. 14 §5  
 Ord. 1970 c. 3 §1  
 Rev. Ord. 1961 (Sup. 1971) c. 15 §1

## Cross Reference

G.L. c. 4 §7 cl. 5

## §2 MAYOR'S APPROVAL FOR CLOSING OR REDUCING BED CAPACITY OF FACILITIES

The board of health and hospitals shall not close, or reduce the bed capacity of, any facility under its control without the prior approval of the Mayor and the City Council.

This ordinance shall be broadly construed.

Historical Note

Ord. 1973 c.1



Chapter 3 – Veterans Services Department

Sec.

- 50 Commissioner; Powers and Duties
- 51 Divisions; Appointment of Deputies
- 52 Supervisor of Veterans Graves and Registration

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§50 COMMISSIONER; POWERS AND DUTIES

There shall be in the city a department, known as the Veterans Services Department, which shall be under the charge of an officer, known as the Veterans Benefits and Services Commissioner, who shall be a veteran as defined in section 1 of chapter 115 of the General Laws, shall be appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, and shall have the powers and perform the duties from time to time conferred or imposed by statute upon the soldiers' relief commissioner of Boston, veterans' agents appointed under section 3 of said chapter 115, and directors of veterans' services appointed under section 10 of said chapter 115.

## Historical Notes

- St. 1897 c. 441
- Ord. 1946 c. 9
- Ord. 1954 c. 2 §66
- Rev. Ord. 1961 c. 26 §1

## Cross Reference

- G.L. c. 115 §§1,3,10

§51 DIVISIONS; APPOINTMENT OF DEPUTIES

The veterans benefits and services commissioner may divide the veterans services department from time to time into such divisions as he may deem necessary for the proper conduct of the department, and, with the written approval of the mayor in each instance, may appoint such deputy, and such assistant, veterans benefits and services commissioners as he may from time to time deem necessary; provided, however, that no person other than a veteran as defined in section 50 shall be eligible for such appointment.

## Historical Note

- Rev. Ord. 1961 c. 26 §2

§52 SUPERVISION OF VETERANS GRAVES AND REGISTRATION

There shall be in the veterans services department an officer, known as the Supervisor of Veterans Graves and Registration, appointed by the mayor, who shall have the powers and perform the

duties from time to time conferred or imposed by general laws applicable to Boston on persons appointed under section 9 of chapter 115 of the General Laws. The supervisor of veterans graves and registration shall not be subject to the supervision or control of the veterans benefits and services commissioner; but unless otherwise ordered by the mayor, such supervisor shall not communicate with the mayor, or make any annual or other report, except through such commissioner.

#### Historical Note

Rev. Ord. 1961 c. 26 §3

#### Cross Reference

G.L. c. 115 §9

Chapter 5 -- Council on Aging

Sec.

100 Officers, Appointment, Term, Compensation

101 Powers and Duties

Division of Centers for Older Americans

102 Creating Centers for Older Americans

## §100 OFFICERS; APPOINTMENT, TERM, COMPENSATION

There shall be in the city a board, known as the Commission on Affairs of the Elderly, consisting of an officer, known as the Commissioner on Affairs of the Elderly, appointed by the mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected, who shall be chairman of the board and shall devote his whole time to the work, and ten other officers, known as Associate Commissioners on Affairs of the Elderly, appointed by the mayor [for terms of four years]. As the term of any such associate commissioner expires, his successor shall be appointed by the mayor for a term of four years. Any vacancy in the office of an associate commissioner shall be filled by the mayor for the unexpired term. The associate commissioners shall serve without compensation.

## Historical Notes

Ord. 1968 c. 5

Ord. 1970 c. 4 §2

Rev. Ord. 1961 (Sup. 1971) c. 4A §1

## §101 POWERS AND DUTIES

The commission on affairs of the elderly shall be cognizant of federal and state legislation concerning financial assistance, information exchange, and planning for better community programming for the elderly, and shall coordinate or carry out programs designed to meet the problems of the elderly in coordination with programs of the Commission on Aging established under section 73 of chapter 6 of the General Laws or its successor in function. The commission on affairs of the elderly shall send to said commission or its successor in function a copy of the annual report transmitted by it to the mayor under Title 5, section 126 of these ordinances.

## Historical Notes

Ord. 1968 c. 5

Ord. 1970 c. 4 §2

Rev. Ord. 1961 (Sup. 1971) c. 4A §2

## Cross References

Ordinances, Title 5 §126

G.L. c. 6 §73



## §102 CREATING CENTERS FOR OLDER AMERICANS

There shall be in the city, under the auspices of the Commission on Elderly Affairs, a Division of Centers for Older Americans.

Said Division shall establish centers throughout the city, to provide for and accommodate the needs of the elderly.

Said centers shall be staffed and operated by the elderly.

Historical Note

Ord. 1975 c. 10

Chapter 7 -- Commission on the Physically Handicapped

Sec.

150 Composition of Board  
151 Powers and Duties

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§150 COMPOSITION OF BOARD

There shall be in the city a board, known as the Commission on the Physically Handicapped, consisting of the director of administrative services, ex officio, or his designee, and eight persons appointed by the mayor, each for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected. Said persons shall include a physician registered in the commonwealth and specializing in the care and treatment of the physically handicapped, and a teacher or other educator holding a certificate from the state board of education and specializing in the education of the physically handicapped. In making the other appointments to be made by him, the mayor shall give consideration to the appointment of persons associated with, or representative of, the Board to Facilitate the Use of Public Buildings by the Physically Handicapped, the Massachusetts Rehabilitation Commission, The Massachusetts Council of Organizations of the Handicapped, Inc., the deaf community, and the blind community.

The mayor shall from time to time designate one of the members of the board as chairman. The vice-chairman shall be elected by the board by a majority vote. The board may appoint a clerical assistant.

All members of the board shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Historical Notes

Ord. 1971 c. 3

Rev. Ord. 1961 (Sup. 1971) c. 20A §1

Cross Reference

Ordinances, Title 5 §1

§151 POWERS AND DUTIES

The commission on the physically handicapped shall meet at least once each month; shall issue an annual report of its activities to the mayor and city council; shall coordinate as fully as possible the work of all public and private agencies dealing with the needs and problems of the physically handicapped; may conduct either independently or in conjunction with any appropriate agency such programs relating to the needs of the physically handicapped as the commission deems

necessary; and may at any time propose new programs for the city and request proper financing for such programs as the commission judges feasible in view of the particular program and the needs of the city in regard to the physically handicapped.

#### Historical Notes

Ord. 1971 c. 3

Rev. Ord. 1961 (Sup. 1971) c. 20A §2

#### Cross Reference

Ordinances, Title 5 §126



Chapter 9 -- Commission on Mental Retardation

Sec.

200 Composition of Board

201 Duties

## §200 COMPOSITION OF BOARD

There shall be in the city a board, known as the Commission on Mental Retardation, consisting of the commissioner of parks and recreation and the commissioner of health and hospitals, ex officio, or their respective designees, and thirteen persons appointed by the mayor, each for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected. In making the appointments to be made by him, the mayor shall give consideration to the appointment of persons associated with, or representative of, the division of social and rehabilitation services in the federal department of health, education and welfare; the area director for community mental health and retardation area VI in the commonwealth, the division of special education in the city's school department, and the Greater Boston Association for Retarded Children; and nine inhabitants of the city who are parents of retarded children and indicate a willingness to serve on the board.

The mayor shall, from time to time, designate one of the members of the board as chairman. The vice-chairman shall be elected by the board by majority vote. The board may appoint a clerical assistant.

All members of the board shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

## Historical Notes

Ord. 1970 c. 1

Ord. 1971 c. 5

Rev. Ord. 1961 (Sup. 1971) c. 18A §1

## Cross References

Ordinances, Title 7 §100

Statutes, Title 12 §1

Ordinances, Title 15 §4

## §201 DUTIES

It shall be the duty of the commission on mental retardation to meet at least once each month: to coordinate to the fullest possible extent the work of all public and private agencies dealing with the problems besetting the parents of children who are mentally retarded and assisting retarded children in any manner; to bring about a continual dialogue and exchange of views between federal,

state, and local agencies concerned with the effective administration of programs for the mentally retarded; to conduct either independently or in conjunction with the school committee of the city or any other appropriate agency such education programs as the board deems necessary; to coordinate the existing recreational programs for retarded children and to initiate where appropriate new and innovative recreational programs for retarded children. The board shall issue an annual report of its activities to the mayor and city council and shall at all times be free to suggest new programs for the city and request proper financing for such programs as the board feels feasible for the program and the city's needs in the area of mental retardation.

#### Historical Notes

Ord. 1970 c. 1

Rev. Ord. 1961 (Sup. 1971) c. 18A §2

#### Cross References

Ordinances, Title 5 §126

Statutes, Title 7 §§109,110

Chapter 11 - Youth Activities Commission and Corporation

No Ordinances Apply. See Special Statutes.

Chapter 13 - Drug Abuse Coordinating Council

Sec.

300 Composition of Board  
301 Duties

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§300 COMPOSITION OF BOARD

There shall be in the city a board, known as the Coordinating Council on Drug Abuse, consisting of the corporation counsel, the commissioner of health and hospitals, the penal institutions commissioner, the police commissioner and the chairman of the youth activities commission, ex officio, or their respective designees, and sixteen persons appointed by the mayor each for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected: In making the appointments to be made by him, the mayor shall give consideration to the appointment of persons associated with, or representative of, the federal Bureau of Narcotics and Dangerous Drugs, the Division of Food and Drugs in the state Department of Public Health, the probation officers of the Municipal Court of the City of Boston, the Boston Juvenile Court, and the other municipal and district courts in the city, the public, and the nonpublic, schools in the city, the model cities drug program, the Boston Teachers Union, the Drug Treatment and Drug Education Committee of United Community Services of Metropolitan Boston, and the project currently coordinated by the Boston University Mental Health Center and the Boston College-Urban League Joint Center for Intercity Change. At least two of the persons appointed by the mayor shall be doctors or psychologists who have dealt with the medical and psychological problems of youth in Boston.

The mayor shall from time to time designate one of the members of the board as chairman and another as vice-chairman. The mayor shall designate a full-time executive secretary of the board. The board may appoint clerical assistance.

All members of the board shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Historical Notes

Ord. 1969 c. 17

Rev. Ord. 1961 (Sup. 1971) c. 10C §1



## §301

## DUTIES

It shall be the duty of the coordinating council on drug abuse to meet at least once each month; to coordinate to the fullest possible extent the work of all public and private agencies dealing with drug abuse; to effect an ongoing dialogue and exchange of views between such agencies; to conduct, either independently or in conjunction with the school committee of the city, such drug education programs as said council deems advisable; to conduct studies, investigations and research into the source and use of harmful drugs and narcotic drugs as those terms are respectively defined in section 187A and section 197 of chapter 94 of the General Laws, as now or hereafter amended; to pursue a course of action to insure that all laws governing the sale, possession and use of both harmful, and narcotic, drugs are duly enforced; and by the use of such media of communication as said council shall from time to time deem appropriate, keep the inhabitants of the city informed respecting the use of both harmful, and narcotic, drugs.

## Historical Notes

Rev. Ord. 1961 (Sup. 1971) c. 10C §2

## Cross Reference

G.L. c. 94 §§187A, 197

Chapter 15 – Penal Institutions Department

Sec.

- 350 Powers and Duties of Commissioner
- 351 House of Correction at Deer Island
- 352 Organization of Department
- 353 Annual Report

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§350 POWERS AND DUTIES OF COMMISSIONER

The penal institutions department shall be under the charge of the penal institutions commissioner, who shall exercise the powers and perform the duties provided by statute; and shall have the charge and control of Deer Island and the House of Correction at Deer Island.

## Historical Notes

- St. 1895 c. 449 §14
- St. 1896 c. 536 §9
- St. 1897 c. 395 §5
- St. 1928 c. 389
- Ord. 1924 c. 9
- Rev. Ord. 1961 c. 20 §1

§351 HOUSE OF CORRECTION AT DEER ISLAND

The penal institutions commissioner shall exercise the powers and perform the duties in regard to the House of Correction at Deer Island and the prisoners committed thereto formerly exercised and performed by the institutions commissioner.

## Historical Note

- Rev. Ord. 1961 c. 20 §2

§352 ORGANIZATION OF DEPARTMENT

The penal institutions commissioner shall be the executive and administrative head of the department and may organize said department as he may find necessary for its proper conduct.

## Historical Note

- Rev. Ord. 1961 c. 20 §3

## Cross Reference

- Ordinances, Title 5 §126

## §353 ANNUAL REPORT

The commissioner shall, in his annual report, include a statement of the expenditures and receipts of each institution for the preceding financial year, giving the condition of each, with the number of inmates admitted thereto and discharged therefrom, the births and deaths therein, and the number of persons remaining in the same.

## Historical Notes

Rev. Ord. 1961 c. 20 §4



**TITLE 13**

## HOUSING COURT

Chap.		Sec.
1	Housing Court . . . . .	1

## Chapter 1 - Housing Court

Sec.	
1	Salary of Judge

§1 SALARY OF JUDGE

Pursuant to the terms of section 8 of chapter 185A of the General Laws and section 5 of chapter 856 of the Acts of 1973, the judge of the Housing Court of the City of Boston shall receive a salary of thirty-four thousand and eighty-nine dollars a year.

### Historical Note

Ord. 1974 c.7



## TITLE 14

## LICENSES AND PROHIBITIONS

Chap.		Sec.
1	Licensing Board . . . . .	1
3	Committee on Licenses . . . . .	50
5	Director of Markets . . . . .	100
7	Regulations Under Police Power . . . . .	150
9	Consumers' Council . . . . .	200
11	Prohibitions and Penalties . . . . .	250
13	Regulations Affecting Certain Trades . . . . .	400
15	Fees and Charges . . . . .	450
17	Dog Officer . . . . .	500

Chapter 1 - Licensing Board

No Ordinances Apply. See Special Statutes.

Chapter 3 - Committee on Licenses

Sec.

50 Powers and Duties of Commissioner

§50

## POWERS AND DUTIES OF COMMISSIONER

There shall be in the building department a committee of the Public Safety Commission, known as the Committee on Licenses, consisting of the building commissioner, the fire commissioner and the commissioner of traffic and parking, ex officiis. Said committee shall have the powers and perform the duties conferred or imposed on the board of street commissioners by chapter 148 of the General Laws, by chapter 577 of the acts of 1913 and by chapter 349 of the acts of 1953, and all acts in amendment thereof.

The committee on licenses shall not be subject to the supervision or control of the building



commissioner except as he acts as a member thereof; but unless otherwise ordered by the mayor, the committee on licenses shall not communicate with the mayor, or make any annual or other report, except through the building commissioner.

#### Historical Notes

St. 1959 c. 203

Ord. 1962 c. 9 §2

Ord. 1970 c. 5 §2

Rev. Ord. 1961 (Sup. 1971) c. 9 §11

#### Cross References

G.L. c. 148

St. 1913 c. 577

St. 1953 c. 349

Statutes, Title 8 Chapter 8

Chapter 5 -- Director of Markets  
No Ordinances Apply. See Special Statutes.

Chapter 7 -- Regulations Under Police Power  
No Ordinances Apply. See Special Statutes.

Chapter 9 -- Consumers' Council

Sec.

200      Composition of Board  
201      Duties

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§ 200      COMPOSITION OF BOARD

There shall be in the city a board, known as the Boston Consumers' Council, consisting of the corporation counsel or his designee, the sealer of weights and measures or his designee, the commissioner of health and hospitals or his designee, a person appointed by the mayor after consultation with the consumers' council of the commonwealth, and three other persons appointed by the mayor, at least two of whom shall be persons of low income. Each of the persons appointed by the mayor shall serve for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected. The mayor shall from time to time designate one of the members of the council as chairman and another as vice chairman. All members of the council shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The council shall meet every other month, and at other times at the call of the chairman.

The mayor shall designate an employee of his office to serve as executive secretary of the council; and the council may appoint a clerical assistant.

Historical Notes

Ord. 1968 c. 15

Rev. Ord. 1961 (Sup. 1971) c. 10A §1

Cross References

Ordinances, Title 2 §350

Ordinances, Title 5 §§100,450

Statutes, Title 9 §10

Ordinances, Title 12 §2

## §201

## DUTIES

The Boston consumers' council shall conduct studies, investigations and research in matters affecting consumer interests; shall keep consumers in the city informed on matters affecting their interests, using for that purpose such media of communication as the council shall from time to time adjudge appropriate; and shall pursue a course of action to insure to the fullest possible extent that all laws enacted for the benefit of consumers are duly enforced.

## Historical Notes

Rev. Ord. 1961 (Sup. 1971) c. 10A §2



Chapter 11 -- Prohibitions and Penalties

Sec.

Health

250	Fish
251	Vegetables
252	Decayed Food
253	Live Fowl, Etc.
254	Restraining Dogs
255	Manure
256	Removal of Manure
257	Keeping of Cows
258	Public Urinals
259	Ringin Bells
260	Decaying Matter
261	House-offal
262	Water-closets
263	Ashes and Cinders
264	Transportation of Refuse
265	Burials
266	Cesspools and Privies
267	Sewage and Waste Water
268	Drains

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285 Speed of Animals  
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287 Advertising  
288 Merchandise to and From Second Story  
289 Sprinkling Ashes, etc. on Streets  
290 Cleansing Animals, Vehicles and Mats in Streets  
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292 Litter in Streets  
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294 Rubbish Disposal  
295 Rummaging  
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298 Coasting or Sledding in Streets  
299 Throwing or Shooting in Streets  
300 Removal of Snow and Ice  
301 Trash Outside of Places of Business  
302 Trash Within Places of Business  
303 Cutting of Grass  
304 Cutting Firewood  
305 Driving Animals  
306 Grazing Animals in Street  
307 Watering Streets  
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322 Bells on Vehicles  
323 Direction of Vehicles  
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- 337 Moving Buildings
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- 341 Public Addresses, Vending, Etc.
- 342 Profanity and Other Offenses

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366 Open Air Projection

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367 Prohibition of

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369 Alternative Noncriminal Disposition of Violation of §254 and §291

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Historical Notes

For a history of many of the sections in this chapter, see Rev. Ord. 1961 and 1971 Supplement.  
See also Ord. 1972 chapters 1,10,15 and Ord. 1973 chapter 4.

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Health

§250 FISH

No person shall throw into the harbor or any of the waters surrounding the city within a line drawn from Point Allerton to Nahant, any entrails or refuse parts of fish, or any decayed fish; nor shall any person have in his possession with intent to sell, fish of any kind, except flounders, smelts, and other small fish, salmon and shad, until the same have been cleansed of their entrails and other refuse parts, or fish of any kind unless they are kept in covered stalls or fish-boxes or covered carts, which shall be clean and in good order and well secured from the rays of the sun.

§251 VEGETABLES

No person shall bring into the city or have in his possession with intent to sell, or sell, any vegetables, excepting green peas and beans in the pods and green corn in the inner husks, which have not previously been divested of all parts not commonly used for food; and no person shall have such parts in his possession in any market-place, or in a cart or vehicle used for the sale of vegetables or other articles of food.

§252 DECAYED FOOD

No person shall bring into the city, or have in his possession with intent to sell, any decayed or damaged fruit, vegetable or animal substance, except in accordance with a permit from the board of health and hospitals.

§253 LIVE FOWL, ETC.

No person shall keep any live fowl, swine, or goats, except in accordance with a permit from the board of health and hospitals.

§254 RESTRAINING DOGS

No person owning or harboring a dog shall suffer or allow it to go upon the premises of another without the permission of the owner or occupant of such premises. No person owning or harboring a dog shall suffer or allow it to run at large in any street or public place in the city, nor permit it to go upon any street or public place unless it is effectively restrained by a chain or leash not exceeding ten feet in length. For the purposes of section 173A of chapter 140 of the general laws this section shall be deemed an ordinance made under the provisions of section 173 of said chapter 140.

§255 MANURE

No owner or occupant of a building shall permit any manure to be therein, unless such building is used as a stable, or in that case permit more than two cords of manure to accumulate or remain therein; nor shall any person permit any manure to remain uncovered on his grounds outside of his building, or permit his building or any grounds connected therewith to be foul or unclean.

§256 REMOVAL OF MANURE

No person shall remove manure, or cause or suffer the same to be removed except in accordance with a permit from the board of health and hospitals, and except in a tight vehicle with a canvas cover so secured to the sides and ends as to prevent the manure from dropping while being removed.

§257 KEEPING OF COWS

No person shall keep or allow to be kept in any building or on any premises of which he may be the owner or occupant, within the building limits of the city, more than one cow for each three thousand square feet of land in said building or premises, except in accordance with a permit from the board of health and hospitals; and no person shall keep or allow to be kept in any building or on any premises of which he may be the owner or occupant, any cow, unless such building or premises be kept clean and wholesome.

§258 PUBLIC URINALS

No person shall mar, misuse, defile, or deface a public urinal, or attach any hand-bill, advertisement, or drawing thereto.

## §259 RINGING BELLS

No person shall ring a church bell or other bell when, on account of illness in the neighborhood, such ringing is forbidden by the board of health and hospitals.

## §260 DECAYING MATTER

No person shall place or keep any refuse or noxious or decaying liquid or solid matter, except house-offal, in any building or in any waters or on any land, except in accordance with a permit from the board of health and hospitals.

## §261 HOUSE-OFFAL

No person shall keep in his house or on his land, any house-offal, unless the same is free from ashes and other refuse matter and so placed in a suitable vessel as to be easily removed.

## §262 WATER-CLOSETS

No person shall maintain a water-closet, vault, or privy in an unwholesome, unclean, or improper place or condition.

## §263 ASHES AND CINDERS

No person shall place or keep ashes or cinders in or near any building in such a manner as to be liable to cause fire, or mix them with other substances, or place or keep them except in metallic vessels so placed as to be easily removed.

## §264 TRANSPORTATION OF REFUSE

No person, other than employees of the city or of a contractor acting for the city while engaged in public work, shall transport or carry refuse in, upon or through any street except in accordance with a permit from the commissioner of public works, who shall forthwith revoke such permit if the permittee transports or carries to any refuse disposal incinerator constructed, maintained and operated by the city any refuse originating outside the city. The word "refuse," as used in this paragraph, shall be construed to include rubbish, ashes, nonputrescible industrial wastes, and street cleanings, but not garbage, offal or other offensive substances coming within sections 31A and 31B of chapter 111 of the General Laws.

No person shall deposit or dump any house-dirt, house-offal, or other refuse matter, except in a place approved by the board of health and hospitals, or place outside of any building or premises for removal any light refuse of rubbish that is likely to be scattered or blown about, unless the same is properly packed, bundled, or otherwise secured.



## §265 BURIALS

No person shall bury, or cause to be buried, a dead body, in a grave less than three feet deep from the surface of the surrounding ground to the top of the coffin; and no person shall, except in accordance with a permit from the board of health and hospitals, either bury, or cause to be buried, a dead body, at any other time than between sunrise and sunset, or open a grave or tomb between the first day of June and the first day of October for a purpose other than that of interring the dead.

## §266 CESSPOOLS AND PRIVIES

No person shall empty a cesspool, vault, or privy, except in accordance with a permit from the board of health and hospitals.

## §267 SEWAGE AND WASTE WATER

No owner or occupant of a building or of land shall suffer sewage or waste or stagnant water to remain in such building or upon such land. No owner or occupant of land abutting on a private passageway and having the right to use such passageway shall suffer any filth, waste, or stagnant water to remain on that part of the passageway adjoining such land. No person shall discharge any waste water or water from a sink or water-closet, except through a drain into a sewer or cesspool or in accordance with a permit from the board of health and hospitals.

## §268 DRAINS

No person shall suffer any particular drain from any building or land of which he is the owner or occupant to leak or be out of repair; and no person shall, except in accordance with a permit from the commissioner of public works, enter or attempt to enter a particular drain into a public drain or sewer.

Hawkers and Peddlers

## §269 REGISTRATION

No person shall hawk or peddle any fruits or vegetables or any of the articles enumerated in section 17 of chapter 101 of the General Laws and acts in amendment thereof or in addition thereto, until he has been assigned a number by the board of health and hospitals, and until he has recorded with said board his name and residence, and until a recent photograph of said applicant shall be presented to the board of health and hospitals, to be attached to his license (said photograph to be a passport size, -- viz., 2 inch by 2 inch) and if he hawks or peddles articles which are sold by weight or measure, a certificate from the sealer of weights and measures that all weights, measures and balances to be used by him have been properly inspected and sealed. The presence of unsealed weights or measures on the team, cart or person of such hawker or peddler shall terminate permission to hawk or peddle under such registration.

No person shall hawk or peddle any fruits or vegetables until he has obtained a license therefor

from the board of health and hospitals, unless he is engaged in the pursuit of agriculture or unless such articles are the product of his own labor or of the labor of his family.

The board of health and hospitals is hereby authorized to grant licenses to hawk or peddle fruits and vegetables to persons sixteen years of age or over who have complied with the foregoing requirements, such licenses to be for the term of one year from the date of issue.

The foregoing provisions shall not apply to minors licensed by the mayor and city council.

#### §270 CRYING OF WARES

No person hawking, peddling, selling, or exposing for sale any articles, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city, or in the neighborhood of schoolhouses or of places used for divine worship.

#### §271 VEHICLES AND RECEPTACLES

No hawker or peddler shall carry or convey articles enumerated in section 17 of chapter 101 of the General Laws and acts in amendment thereof or in addition thereto, in a manner tending to injure or disturb the public health or comfort, or except in vehicles or receptacles which are neat and clean and do not leak, and which have printed on them in letters and figures at least two inches in height the name of the person selling and the number given him by the board of health and hospitals, and which are approved monthly by the board of health and hospitals.

#### Taking of Sea Worms

#### §272 WHO MAY TAKE

No person other than a registered voter of the city of Boston shall take sea worms within the limits of the city, except that this prohibition shall not apply to a person taking for his own use and not for purposes of sale not more than one half pint of sea worms in any one day. Any person violating the provisions of this section shall be punished by a fine not exceeding twenty dollars for each offense.

#### Taking of Shellfish

#### §273 FAMILY USE AND COMMERCIAL PERMITS

(1) There shall be granted by the city council family use shellfish permits and commercial use shellfish permits. A family use shellfish permit may be granted upon written application by any inhabitant of the commonwealth; but a commercial use shellfish permit shall be granted only upon written application by an inhabitant of the city of Boston who shall have been such for not less than one year next preceding the making of such application; provided, however, that at such times as the city council shall deem the number of commercial use shellfish permits so granted to be insufficient for the proper working of the shellfish areas in the city, a commercial use shellfish

permit may be granted upon the written application by any inhabitant of the commonwealth. No application for a family use, or for a commercial use, shellfish permit shall be denied except for good cause. Every family use, and every commercial use, shellfish permit, shall be upon the following conditions: (a) that the permit shall not be transferable; (b) that the permit shall expire in accordance with law and, prior to such expiration, may be terminated by revocation in accordance with law; (c) that the holder thereof shall at all times conform to all applicable statutes, ordinances, rules and regulations; (d) that the holder thereof shall not take shellfish from any area determined under section 74 of chapter 130 of the General Laws to be contaminated except in accordance with a permit granted under section 75 of said chapter 130; and (e) that the holder thereof shall at no time during the period in any year beginning May fifteenth and ending September fifteenth take any shellfish from a beach area. Any family use, or commercial use, shellfish permit may at any time, after due notice and hearing, be revoked by the city council for any breach of condition or other good cause. No family use, or commercial use, shellfish permit shall be transferable. Every family use, and every commercial use, shellfish permit, shall, unless sooner revoked, expire on the fifteenth day of whichever of the months of January, May or September next succeeds the month in which such permit is granted.

(2) Any inhabitant of the commonwealth holding a family use shellfish permit granted under paragraph (1) of this section may take, for his own family use, shellfish from the following area in the city of Boston, to wit; the flatsand coastal waters lying within the territorial limits of the city of Boston and easterly of a line drawn from Wind Mill Point in the town of Hull to the southeasterly point of Deer Island and through Deer Island to Point Shirley, except the shores of Lovell's, Gallup's and George's Island; provided, however, that no shellfish shall be taken from said area of a size or at a season prohibited by law; and provided, further, that the amount taken for any family shall not exceed in any one week one bushel of any or all kinds of shellfish; and provided, further, that no shellfish shall be taken from so much of said area as shall from time to time be determined under section 74 of chapter 130 of the General Laws to be contaminated except in accordance with a permit granted under section 75 of said chapter 130.

(3) Except as otherwise provided in paragraph (2) of this section, no person shall take any kind of shellfish within the city of Boston unless he holds a commercial use shellfish permit granted under paragraph (1) of this section. No shellfish shall be taken for commercial purposes from the area described in paragraph (2) of this section.

#### Firearms

§274

#### FIRING OF CANNONS AND GUNS

No person shall fire or discharge a cannon, gun, fowling-piece, or firearm, within the limits of the city, except at a military exercise or review authorized by the military authority of the Commonwealth or by the city council or mayor of the city, or in the lawful defence of the person, family, or property of a citizen; provided, however, that this prohibition shall not apply to persons engaged in target practice on a range or other premises licensed to be used for such purpose by the city council.

#### Bonfires

§275

#### PERMITS REQUIRED

No person shall make a bonfire or other fire in the open air on any wharf or street within the city, except in accordance with a permit from the fire commissioner.



Brick-Kilns

## §276 PERMITS REQUIRED

No person shall erect, make, or fire, or cause to be erected, made or fired, within the city, a brick-kiln or lime-kiln, except in accordance with a permit from the fire commissioner.

Inflammable Articles

## §277 DEFINED; AGE AND MARKING REQUIREMENTS

No article fabricated from cellulose nitrate or other similarly inflammable substance shall be sold to any person under age sixteen; nor shall any such article be sold to any person over said age unless conspicuously marked with the words "HIGHLY INFLAMMABLE - KEEP AWAY FROM FLAME" in letters of boldface type not less than one eighth of an inch in height.

Obstruction of Firemen and Fire Apparatus

## §278 INTERFERENCE FORBIDDEN

No person shall obstruct any member of the fire department in the discharge of his duties, or wilfully interfere with any engine or other apparatus used by members of the fire department in the discharge of their duties.

The Market Limits

## §279 SALE OF BUTTER

No person shall, within any market limits, sell any butter other than by weight; or sell, or expose for sale, any butter in lumps, unless such lumps weigh one or more integral pounds or quarter pounds.

## §280 OBSTRUCTION TO TRAVEL

No person shall, within any market limits, so occupy or obstruct any sidewalk as not to leave a clear and direct passage for travellers thereon; or so place or stop any vehicle abreast of, or near to, any other vehicle as not to leave a clear and direct passage for vehicles.

## §281 SUNDAY REGULATIONS

No person shall, within any market limits, permit any box, cask, or other receptacle, or any vehicle, or any horse or other beast, to remain in a street or sidewalk on the Lord's day, except in the evening and in a place assigned by the superintendent of markets or his deputies.

## §282 DISORDERLY CONDUCT

No person shall, within any market limits, play any game, lie down, sleep, or behave in a noisy, disorderly, or riotous manner, or scuffle, or throw any missile or thing whatsoever.

## §283 COMPLIANCE WITH DIRECTIONS

No person shall, within any market limits, neglect or refuse to obey or comply with any reasonable direction of the superintendent of markets or his deputies or any police officer.

Faneuil-Hall Market Limits

## §284 PLACE AND HOURS OF SALE

No person shall, within the Faneuil-hall market limits, sell or expose for sale goods, wares or merchandise in any place other than that assigned by the superintendent of markets or his deputies, and except during the hours for keeping open the market prescribed by the superintendent of markets.

Use of Streets

## §285 SPEED OF ANIMALS AND VEHICLES

No person having the care of a horse or other beast of burden shall drive, or ride, or permit such horse or beast of burden to go, at a greater rate of speed than seven miles an hour in a public street.

## §286 LOITERING

No person shall saunter or loiter in a street in such a manner as to obstruct or endanger travellers or in a manner likely to cause a breach of the peace or incite to riot; but nothing in this section shall be construed to curtail, abridge, or limit the right or opportunity of any person to exercise the right of peaceful persuasion guaranteed by section 24 of chapter 149 of the General Laws or to curtail, abridge, or limit the intendment of any statute of the Commonwealth of Massachusetts.

## §287 ADVERTISING

Except in accordance with a permit from the commissioner of public works no person shall, for the purpose of advertising goods, wares or merchandise for sale, while on foot in any street, carry and display any show card, placard or sign, nor shall any person distribute to persons in any street for the purpose of advertising goods, wares or merchandise for sale, handbills, cards, circulars or papers other than newspapers, nor shall any person having the control of any vehicle used principally for advertising permit such vehicle to operate in any street north and east of

Massachusetts avenue. The commissioner of public works shall establish, with respect to such advertising matter, such uniform rules governing the size of show cards, placards, and signs as shall be reasonably necessary to prevent interference with public travel and for the other convenience and safety of the public and such rules governing the size of handbills, cards, circulars and papers other than newspapers which may be distributed in the street as shall be reasonably necessary to prevent littering or other hazard to public safety. Each permit issued hereunder shall contain a copy of the rules relating thereto and shall be limited by its terms to the authorization of conduct permitted thereby and otherwise legal.

No permit shall be required nor shall this ordinance operate to affect, interfere with or in any way abridge the right of persons on the streets to carry or display non-commercial show cards, placards or signs or to distribute non-commercial handbills, cards, circulars or papers other than newspapers.

§288      MERCHANDISE TO AND FROM SECOND STORY

No person shall, except in accordance with a permit from the commisisoner of public works, raise into, or lower from, the second or any higher story of a building, over any portion of a street, any article of merchandise.

§289      SPRINKLING ASHES, ETC. ON STREETS; REMOVAL OF MANURE

No person shall, except in accordance with a permit from the commissioner of public works, or as provided in section 300 of this chapter, sprinkle, scatter, put, or place any ashes, cinders, earth, dirt, gravel, sawdust, salt, or mixture of salt, in or upon a street, or without such permit remove any manure or dirt from any street.

§290      CLEANSING ANIMALS, VEHICLES AND MATS IN STREETS

No person shall, in any street, wash or clean any animal or vehicle or shake or clean any mat or carpet. Nor shall any person between the hours of eight o'clock a.m. and seven o'clock p.m., in that portion of the city proper lying north and east of Kneeland, Eliot, Charles, Beacon, Bowdoin, Green and Leverett streets, sweep any sidewalk unless such sidewalk is in such condition that dust will not be raised by such sweeping.

§291      DOG FOWLING

No person owning, keeping, harboring or having control of a dog shall permit it to foul any sidewalk of any street in the city.

§292      LITTER IN STREETS

No person in any public way, public alley or other public place under the charge of the commissioner of public works shall, whether in or upon a vehicle or on foot, deposit, drop or throw upon



such way, alley or place or any roadway or walk thereof, and suffer to remain there, any filth, rubbish or other substance unless it is deposited, dropped or thrown into a receptacle provided for the purpose by the public works department.

§293 LITTER FROM VEHICLES

No driver of any vehicle upon any public way, public alley or other public place under the charge of the commissioner of public works shall permit to drop or fall from such vehicle onto such way, alley or place or any roadway or walk thereof, and suffer to remain there, any substance except in the maintenance or repair of such way, alley or place.

§294 RUBBISH DISPOSAL

The owner or person in control of any premises within the city shall at all times maintain the sidewalks, alleys, streets, and places adjoining the premises free of trash, refuse, rubbish, or debris; provided, however, that this ordinance shall not prohibit the storage of litter in the manner and at the times prescribed by the Commissioner of Public Works for purposes of collection.

Historical Note

Ord. 1975 c. 2

§295 RUMMAGING

No person shall in any public way, public alley or other public place under the charge of the commissioner of public works or upon any roadway or walk thereof rummage in or through rubbish or refuse of any kind or interfere with any bundle of rubbish or refuse or any receptacle containing rubbish or refuse.

§296 SIZE OF BARRELS

No person shall deposit, drop or throw any filth, rubbish or other substance into a drum or other barrel with a diameter of more than twenty inches or a height of more than twenty-eight inches if by law or by arrangement such filth, rubbish or other substance is to be collected therefrom

by the public works department (whether through employees in its service or through an independent contractor acting for it) or by a person having a permit under section 264 of this chapter or section 31A of chapter 111 of the General Laws.

§297 OVERFILLING OF BARRELS

No person shall deposit, drop or throw into a drum or other barrel with a diameter of twenty inches or less and a height of twenty-eight inches or less any filth, rubbish or other substance which by law or by arrangement is to be collected therefrom by the public works department (whether through employees in its service or through an independent contractor acting for it) or by a person having a permit under section 264 of this chapter or section 31A of chapter 111 of the General Laws if such drum or barrel will thereby be filled so high that such filth, rubbish or other substance or any part thereof is likely to drop or fall from such receptacle while it is being moved in the process of such collection.

§298 COASTING OR SLEDDING IN STREETS

No person shall coast on any sled or other like vehicle in any street not designated therefor by the traffic and parking commission.

§299 THROWING OR SHOOTING ON STREETS

No person shall, in any street, play ball, throw stones, snow balls, or other missiles, or shoot with or use a bow and arrow or sling.

§300 REMOVAL OF SNOW AND ICE

No owner or tenant of an estate abutting on a sidewalk shall place or suffer to remain for more than three hours between sunrise and sunset, any snow upon such sidewalk, or any ice upon such sidewalk unless such ice is made even and covered with sand, sawdust, or ashes, to prevent slipping; nor shall any person remove any ice or snow from privately owned property other than residential property and place it upon any sidewalk or roadway of any street.

§301 TRASH OUTSIDE OF PLACES OF BUSINESS

No person in control of a place of business abutting on a sidewalk shall knowingly suffer any rubbish, litter, filth, garbage or other refuse to remain on such sidewalk except in a receptacle or bundle placed on such sidewalk in accordance with the proviso in section 294.

§302 TRASH WITHIN PLACES OF BUSINESS

No person in control of a place of business abutting on a street shall knowingly suffer any rubbish, litter, or other refuse to remain in the open on the estate upon which such place of business is located except in a receptacle or bundle from which such rubbish, litter or refuse is not likely to be blown onto such street.

## §303 CUTTING OF GRASS

No person in control of any estate abutting on a sidewalk shall knowingly suffer to remain uncut any overgrowth of grass planted therein by the city.

## §304 CUTTING FIREWOOD

No person shall, in any street, saw or cut firewood.

## §305 DRIVING ANIMALS

No person shall drive sheep, swine, or other neat cattle through or in any street, or feed or bait any animal in any street, except in accordance with a permit from the commissioner of public works.

## §306 GRAZING ANIMALS IN STREET

No person shall permit any horse, cow, swine, goat, or other grazing animal to go at large in any street.

## §307 WATERING STREETS

No person shall water any street with a watering cart, except in accordance with a permit from the commissioner of public works.

## §308 BELLS AND NOISE-MAKING INSTRUMENTS

No person, other than musicians in a lawful parade or procession or itinerant musicians licensed thereto by the police commissioner, shall, in any street, except as a warning of danger, ring or cause to be rung any bell, or use or cause to be used any musical or noise-making instrument.

## §309 UNLAWFUL GAMES

No person shall expose in any street any table or device of any kind intended for playing a game of hazard or chance; and no person shall play any such game or any other unlawful game in any street.

## §310 PROTECTION OF TREES, LAMP-POST AND HYDRANTS

No person shall climb, or tie a horse or other animal to, a tree, lamp-post, or hydrant in any street; or attach a wire to a tree belonging to the city or in a street, except by bending wire around a part of the tree over blocks painted substantially the color of the tree and so placed as to protect the tree from injury.



## §311 ABUSIVE LANGUAGE; SOLICITING IN STREETS

No person shall, in any street or other public place, accost or address another person with profane or obscene language; nor shall any person in a street solicit another person to engage in an unlawful sexual act.

## §312 DRINKING OF ALCOHOLIC BEVERAGES IN STREET

No person shall in any public way or public alley, whether in or upon a vehicle or on foot, drink any alcoholic beverage as defined in section 1 of chapter 138 of the General Laws.

## §313 VAULTS UNDER SIDEWALKS

No person shall make any permanent excavation under the surface of a street, the inner face of the wall of which extends further under the street than to a line eighteen inches inside the line of the outer edge of the curbstone or sidewalk.

## §314 GRATINGS

No person shall place or maintain in a street any grating which extends more than eighteen inches into the street, or the spaces between the bars of which are more than one inch in width.

## §315 OPENINGS IN STREET

No person shall make a coal-hole or other opening in a street, except in accordance with a permit from the commissioner of public works.

## §316 STEPS

No person shall maintain an entrance to his estate by steps descending immediately from or near the line of a public street, unless the same is securely guarded.

## §317 STREET OPENINGS

No person shall open or occupy any portion of a street, except in accordance with a permit from the commissioner of public works. Such permit shall be exhibited to a police officer upon his request.

Bridges and Wharves

## §318 RULES CONCERNING

No person shall deface or injure any public bridge or any wharf connected therewith, or unnecessarily open the draw of any such bridge, or obstruct the passage of the same; nor shall

any person, without the consent of the draw-tender, make fast to any public bridge, or draw, guard or pier thereof, any vessel, scow, raft, or float; nor shall any person remain inside of the draw-gates, or on any pier, wharf, fender, or appurtenance of such draw, while such gates are closed; nor shall any person, having under his charge a vessel passing through the draw of any such bridge, refuse or neglect to comply with the directions of a draw-tender relating to such passing.

#### Public Bathing

### §319 SWIMMING

No person shall, except in accordance with regulations established by the parks and recreation commission approved by the mayor, swim or bathe in any of the waters surrounding or within the city so as to be visible from any dwelling-house, wharf, or street.

#### Use of Roadways for Vehicles

### §320 HORSE-DRAWN VEHICLES

No person having charge of a horse-drawn vehicle shall allow the same without an animal harnessed thereto to remain in a street for more than five minutes.

### §321 DRIVING OVER DRAWBRIDGES

No person having charge of a vehicle with an animal attached thereto to draw the same, shall drive or allow such an animal to go over a drawbridge at a gait faster than a walk.

### §322 BELLS ON VEHICLES

No person shall drive an animal drawing a vehicle in a street during any time that snow or ice is upon or covers the street, unless there are three or more bells attached to the shaft or pole of the vehicle or to the animal or to some part of the harness thereon.

### §323 DIRECTION OF VEHICLES

No person having charge of a vehicle shall, unless otherwise directed by a police officer, pass along a street or public alley in a direction contrary to that designated by the sign placed on the side of such street or alley.

### §324 VEHICLES FOR HIRE

No person, firm, or corporation shall offer for hire or operate a hackney carriage or other vehicle for the purpose of transporting, soliciting, and/or picking up a passenger or passengers for hire within the limits of the city of Boston unless licensed thereto by the police commissioner of the city of Boston.

Street Cars

## §325 SPEED LIMITS

No person having the control of the speed of a street railway car on the surface of any street, except in spaces especially reserved for street railway cars, shall allow such car to go at a rate of speed faster than ten miles an hour in any part of the city included within the following bounds: Charles street, Park square, Eliot street, Kneeland street, Atlantic avenue, Commercial street, Causeway street and Leverett street, including said boundary streets; or in any other part of the City Proper, so called, lying north of Massachusetts avenue and Southampton street, at a rate of speed faster than twelve miles an hour; or in any other part of the city at a rate of speed faster than fifteen miles an hour; or in turning a corner in any part of the city at a rate of speed faster than four miles an hour.

## §326 INTERSECTIONS

In approaching any public or private way intersecting that in which the railway is located, the speed of the car must be reduced to such a rate as will make it possible to stop immediately.

## §327 CURVES

In rounding curves and in all cases where the view of the motorman is obstructed for any reason, the speed of the car must be reduced to meet the condition of limited vision of railway and highway.

## §328 GRADES

Before taking any heavy descending grade the speed of the car must be so reduced as to test the working of the brakes.

## §329 PROXIMITY TO ROADS

Where the railway lies within a highway and is close to a narrow travelled road the speed of the car must be reduced to meet this condition whenever such road is in rightful use by others.

## §330 JOINT USE OF ROADS

Where the railway occupies a portion of the travelled road the absence of any exclusive right of way on the part of the car makes it necessary that its speed be from time to time so restricted as to permit others to safely exercise their common right to a reasonable use of the road.

## §331 SAFETY DISTANCES

No person having the control of the speed of a street-railway car in any street shall, except in case of accident, or to prevent injury to persons or property, allow such a car to go within ten feet of a car or other vehicle in front.



## §332 AVOIDING COLLISIONS; OBEYING POLICE DIRECTIONS

No person having control of the speed of a street-railway car shall allow it in any street to go against or afoul of any person, vehicle, or thing whatsoever; nor shall any such person fail to stop his car at any place in a street when directed by a police officer so to do.

## §333 PRECAUTIONS; WARNING BELLS

No person having control of the speed of a street-railway car passing in a street shall fail to keep a vigilant watch for all teams, carriages, and persons, especially children, nor shall such person fail to strike a bell several times in quick succession on approaching any team, carriage, or person, and no person shall, after such striking of a bell, delay or hinder the passage of the car.

## §334 PROMPT STOPPING

No person having control of the speed of a street-railway car passing in a street shall, on the appearance of danger to any team, carriage, or person from, or on the appearance of any obstruction to, his car, fail to stop the car in the shortest time and space possible.

## §335 STOPPING IN INTERSECTIONS

No person having control of the speed of a street-railway car shall stop any such car on a cross-walk or in front of an intersecting street, except to avoid collisions or danger to persons or as directed by a police officer.

## §336 SPREADING OF GRAVEL, SAND, ETC.

No street-railway company shall, except by permission of the commissioner of public works, sprinkle any gravel or sand, or any salt or other article of a decomposing nature, on its tracks or rails in a street, or wash such tracks or rails with brine or pickle.

Moving Buildings and Bulky Machinery

## §337 MOVING BUILDINGS

No person shall move bulky machinery, cars, or other merchandise, through, or place or move a building in or through, a street, except in accordance with a permit from the commissioner of public works.

## §338 REMOVING HINDRANCES

No person moving a building in a street under a permit therefor shall remove any shade-tree or branch thereof in a street, except in accordance with the permission of the parks and recreation commission; or interfere with any fire-alarm telegraph wire, except in accordance with the permission

of the fire commissioner; or interfere with any street lamp or lamp-post, except in accordance with the permission of the commissioner of public works.

#### Sidewalks

##### § 339 USE OF

No person shall use a sidewalk for any purpose which subjects it to more than ordinary wear, or injures the material of which it is composed, unless such sidewalk be, by the owner of the abutting estate, constructed of granite or other stone, in a manner satisfactory to the commissioner of public works, and kept in repair by such owner.

#### Public Grounds

##### § 340 USE OF

No person shall, in or upon the Common, Public Garden or other public grounds of the city, walk, stand or sit upon the grass, or upon any land planted or prepared for planting, or upon a fountain, monument or statue, or a bandstand, wall, fence, or other structure, or within the basin of a pond otherwise than upon ice, or stand or lie upon a bench or sleep thereon, or, not being a woman or child, occupy a bench designated for the exclusive use of women and children, -- except that the mayor may from time to time by proclamation and order permit walking, standing and lying upon the grassed land of the Common or any designated part thereof, or the grassed land of any other public grounds or any designated part thereof, except the Public Garden, for such days or such parts of days as he shall specify; and he may in like manner by proclamation and order permit sleeping on such days as he shall specify, on any of the benches and any of the grassed lands of the Common or other public grounds, except the Public Garden. Nothing contained in this section or in section 87 of this chapter shall be held to prohibit the doing of any act in the reasonable performance of his work or employment by any person acting under the authority or direction of any board or officer in charge of any of the places described in this section.

##### § 341 PUBLIC ADDRESSES, VENDING, ETC.

No person shall, in any of the public grounds, make a public address, expose for sale goods, wares, or merchandise, erect or maintain a booth, stand, tent, or apparatus for purposes of public amusement or show, or boast or engage in a game of ball, football, or other athletic sport, except in accordance with a permit from the mayor.

##### § 342 PROFANITY AND OTHER OFFENSES

No person shall, in the Common, Public Garden, or other public grounds of the city, annoy another person; or utter profane, threatening, abusive, obscene, or indecent language or loud outcry; or do any obscene or indecent act; or have possession of, drink, or be under the influence of, intoxicating liquor; or play any game of chance or have possession of any instrument of gambling; or dig up, cut, break, deface, defile, ill-use, handle, take or remove any turf, flower, plant, bush,

tree, rock, sign, fence, structure or other thing or part thereof belonging to the city; or cut, break, or remove the ice in or from a pond; or drive an animal, or suffer an animal in his charge to feed or go at large, except dogs on the Common; or propel any vehicle, except a vehicle pushed or drawn by hand and designed to convey children; or throw a stone or other missile; or injure or have possession of a fish, bird, or wild animal; or injure or disturb a bird's nest or eggs; or set a trap or snare; or drop or place and suffer to remain paper or other refuse, except in receptacles designated therefor.

#### Water Supply

### §343 USE OF WATER

No person shall, without permission of the commissioner of public works, make an opening in or connection with, or turn on or off or draw off water from, a water pipe or reservoir owned by the city; or, except in accordance with a written permit from the commissioner or in case of fire in the neighborhood, allow water to be taken from his premises, or use water for any purpose other than that for which he pays; or unscrew or open a hydrant attached to the water pipes of the city; or, except in accordance with the regulations of the commissioner, discharge water through a hand-hose. Nor shall any person interfere with the registering apparatus of a water meter put in by the city, or damage or injure such meter.

#### Ward-Rooms; Faneuil Hall

### §344 WARD MEETINGS

No persons not included in a call for a meeting held under a permit granted by the assistant commissioner of real property and no person, when objection is made by the majority of the applicants for such permit present at the meeting or by the presiding officer at such meeting, shall mark a ballot, or vote, or remain, at such meeting.

### §345 VOTER LISTS

No person, other than the assistant commissioner of real property or some person by him duly authorized, shall carry away or interfere with a copy of a list of voters posted or hung up in a ward-room.

### §346 DECORATIONS

No person shall put up any decoration in or on Faneuil Hall unless authorized thereto by an order of the city council; nor shall any person so authorized drive any nail or screw into the building or any part thereof in putting up any decoration.

#### Numbering of Buildings

### §347 REGULATION OF

No person shall neglect or refuse to affix to or inscribe on any building owned by him the street number assigned to such building by the building commissioner; nor shall any person affix to



or inscribe on or suffer to remain on any building owned or occupied by him a street number other than the one assigned to such building by the building commissioner.

Notices and Placards

§348 PRIOR CONSENT

No person shall post up or affix in any manner, paint, print or write, or cause to be painted, printed, or written, a notice, advertisement, or bill, upon a post, pole, fence, wall, or building in the city, unless he has previously obtained the consent of the person having possession of such post, pole, fence, wall, or building.

§349 REMOVAL AFTER ELECTIONS

No candidate for any public office shall allow any political notice, advertisement or bill bearing his name to remain posted up or affixed in any manner to a post, pole, fence, tree, wall, building or other structure in the city, beyond thirty days after the election in which he was a candidate, without having previously obtained the written consent of the person having possession of such post, pole, fence, tree, wall, building or other structure.

§350 PUBLIC PLACES

No person shall, without the consent of the mayor, post up, or affix in any manner, or paint, print, or write, or cause to be painted, printed, or written, a notice, advertisement, or bill, upon a curbstone, sidewalk, tree, telegraph-pole, lamp-post or hydrant, in a street or public place, or upon a walk, fence, or building belonging to the city.

§351 GASOLINE PRICES

No person engaged in the sale of gasoline by pump shall display or suffer the display of the price thereof by sign or other marking located at or near the premises upon which such person is so engaged unless such sign or other marking or a similar sign or other similar marking is attached to the pump or pumps to which said price applies, or, unless such sign or other marking clearly indicates the pump or pumps to which said price applies.

Junk and Second-Hand Articles

§352 BUSINESS HOURS

No person keeping a shop for the purchase, sale, or barter of junk, old metals, or second-hand articles shall purchase any of the aforesaid articles or have his shop open for the transaction of business, except between sunrise and nine o'clock in the evening of any week day except Saturday, on which day such shop may be kept open, and such articles purchased, from sunrise until ten o'clock in the evening; and no such person or junk collector shall directly or indirectly either purchase or receive by way of barter or exchange any junk, old metals, or second-hand articles from a minor or apprentice, knowing or having reason to believe him to be such.

Obscene and Pornographic Material

## §353 FINE FOR SELLING

Whoever sells, or distributes, or imports, or loans, or possesses with the intent to sell, or exhibits, prints, or publishes for the purpose of selling or distributing a book, pamphlet, ballad, printed paper, phonographic record, print, picture, figure, image, or description which depicts or describes:

A. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or

B. Patently offensive representations or descriptions of masturbation, excretory functions, lewd exhibition of the genitals, shall be subject to a fine of fifty dollars for each day on which such violation occurs or during which such violation continues.

[This ordinance was passed in 1973, under the guidelines established in Miller v California, \_\_\_ U.S. \_\_\_, 37 L. Ed 2d 419, (June 21, 1973)]

Unreasonable Noise

## §354 DEFINITION

No person shall make or cause to be made any unreasonably loud or disturbing noise in the city, by whatever means or from whatever source. In the absence of an applicable noise level standard or regulation of the air pollution control commission, any noise plainly audible at a distance of three hundred feet shall be presumed to be unreasonably loud and disturbing, but such presumption shall be rebuttable.

Retail Delivery of Milk

## §355 TIME REGULATION

No retail delivery of milk shall be made before 7 a.m.

Jitney Licenses

## §356 REQUIREMENT

No person, firm or corporation shall, in the city of Boston, operate any motor vehicle upon any public way, for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, without first obtaining a license therefor from the city council, and unless such license is in force according to the provisions of and subject to this and the following sections. Such license shall be subject to revocation at any time by order of the city council. Whenever the word "licensee" is used in this and the following sections, it shall mean the person, firm or corporation licensed under this section.

## §357 PUBLICATION AND NOTICE

No person shall prosecute a petition to the city council for a license under section 1 of chapter 159A of the General Laws unless at his own expense he has caused to be published, in a newspaper of general circulation published in the city, at least seven days before the public hearing to be held by the committee on licenses of the city council, a notice of the time and place of such hearing, nor unless at his own expense he has also sent by registered mail not less than seven days before such hearing a copy of such notice to the police commissioner, the Metropolitan Transit Authority, and such persons as shall file with the clerk of committees a written request for notices under this section.

## §358 ROUTE

No licensee shall so operate any such motor vehicle except between such termini and over such route and with such stopping places as shall be specified by the city council in the license granted under the provisions of section 356, and, except in case of emergency, the licensee shall not deviate from the specifications of said license without the approval of the city council.

## §359 FARE

No licensee shall charge, demand, collect or receive a greater, or less, or different compensation for the transportation of passengers or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in the license granted by the city council.

## §360 INFORMATION TO PASSENGERS

No such motor vehicle shall be used or operated without a printed sign thereon stating the termini of the route, the fare to be charged, and the license number, which sign shall be so printed and attached to the motor vehicle as to be plainly visible to persons on the street, or without a printed sign thereon showing the schedule of service filed and in effect at the time, which sign shall be so printed and attached to the said motor vehicle as to be plainly visible to passengers boarding such motor vehicle.

## §361 NUMBER OF PASSENGERS

The license issued for such motor vehicle shall designate the number of passengers, exclusive of the operator, the licensee is authorized to carry in said vehicle, and no person driving or in charge of said vehicle shall take on or suffer or permit any more persons to ride or to be carried thereon at any one time than the number designated in the license, or permit any person to stand inside or to stand or sit upon any running board, steps, fender, dash or hood thereof, or permit any person to ride on such motor vehicle outside the body thereof; provided, however, that in addition to the number of passengers which said motor vehicle by the terms of its license is permitted to carry, children under seven years of age may be carried therein, in arms, or seated on the laps of adult persons accompanying them, but no passenger with a child in arms or seated on the lap shall be permitted on any front seat of the vehicle.



## OPERATION

The schedule of operation filed by the licensee shall provide for the regular operation of a motor vehicle between the termini and over the route designated in the license. The licensee shall regularly operate a motor vehicle in substantial accordance with the schedule of operation filed and in effect at the time, except in cases of accident, breakdown, or other controlling emergency, shall operate such motor vehicle to the terminus of the route before turning around, and shall not operate nor permit to be operated any such motor vehicle off or away from the route stated and fixed in the license for the operation of such motor vehicle except in case of controlling emergency. Nothing herein shall be construed to prohibit the operation, in addition to the service described in the schedule on file and in effect at the time, of special or extra trips over said route and between said termini during certain hours or on special occasions.

## CARRIAGE OF PASSENGERS

No person operating any motor vehicle so licensed shall refuse to carry any person offering himself or herself at any regular stopping place for carriage, unless the seats of such vehicle are fully occupied, or unless such person is in an intoxicated condition, or conducting himself in a boisterous or disorderly manner, or is using profane language.

## LIGHTING, ETC.

No motor vehicle so licensed shall be operated from one half hour after sunset till one half hour before sunrise, with the top and curtains of said vehicle up, or while said vehicle is otherwise enclosed, unless there be sufficient light provided to adequately light the whole of the interior of said vehicle; and all motor vehicles so licensed with a seating capacity of more than seven passengers shall come to a full stop immediately before crossing the tracks of any railroad at grade.

## CONDUCT OF OPERATORS

No person operating any motor vehicle so licensed shall collect fares, make change or take on or discharge passengers while such vehicle is in motion; nor shall he have a lighted cigarette, cigar or pipe in his possession while any passenger is being carried therein, nor drink any intoxicating beverage or use morphine, cocaine, opium or other harmful drug of any kind, or be under the influence thereof while engaged in operating such vehicle.

### Open-Air Theaters

## OPEN-AIR PROJECTION

No person shall project a motion picture upon any screen in the open air on any estate in the city to which admission is obtained upon the payment of money or the delivery of any valuable thing or by a ticket or voucher obtained for money or any valuable thing if such screen is open to view from a public or private way or an adjacent estate or from any part of a building or other structure in the vicinity.

[Enforcement preliminarily enjoined. Northeast Theatre, Inc. v. McNamara, U.S.D.C. of Mass. #72-1558-F]







Abandonment of Automobiles

## §367 PROHIBITION OF

No person shall place upon public or private land automobiles or automobile parts for the purpose of abandonment.

Fines

## §368 GENERALLY

Any person violating any provision of §§278, 292, 293, 294, 295, 296, 297, 300, 301, 302, 303, 311, 312, or 366 shall be punished by a fine not exceeding fifty dollars for each offense. Any person violating any other provision of this chapter shall be punished by a fine not exceeding twenty dollars for such offense, and not only the person actually doing the prohibited thing, but also his employer and every other person concerned in so doing shall be punished by such fine.

## §369 ALTERNATIVE NONCRIMINAL DISPOSITION OF VIOLATIONS OF SECTIONS 254 AND 291

Sections 254 and 291 of this chapter shall be enforced by the Commissioner of Health and Hospitals and his authorized agents, by the Commissioner of Housing Inspection and his authorized agents, by all police officers, by all special police officers including parking meter supervisors, so called, appointed under the provisions of chapter 282 of the acts of 1898, as amended, and by the dog officer appointed under section 151 of chapter 140 of the General Laws or the domestic charitable corporation from time to time performing by contract the duties of dog officer in accordance with said section 151, and by the authorized agents of such dog officer or such domestic charitable corporation. If any officer empowered to enforce sections 254 and 291 of this chapter takes cognizance of a violation thereof, he may, as an alternative to instituting criminal proceedings, forthwith give to the offender a written notice to appear before the clerk of the district court having jurisdiction at any time during office hours, not later than twenty-one days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received. The officer shall if possible deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not possible to deliver a copy of said notice to the offender at the time and place of the violation said copy shall be mailed or delivered by the officer, or by his commanding officer, or by the head of his department, or by any person authorized by such commanding officer or head of department, to the offender's last known address, or to the address of the owner of the dog as it may appear on the collar of such dog or as it may appear on the application for a license for such dog in the records of the police commissioner, within five days thereof, exclusive of Saturdays, Sundays, and legal holidays. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the officer or person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof. At or before the completion of each tour of duty the officer shall give to his commanding officer or department head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain

and safely preserve one of said copies and shall, at a time not later than the next court day after such delivery or mailing, deliver another of such copies to the clerk of the court before whom the offender has been notified to appear.

Any person notified to appear before the clerk of a district court as hereinbefore provided may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice, the sum of ten dollars, such payment to be made only by postal note, money order, or check. Payment to such clerk of such sum shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person so notified to appear before the clerk of a district court fails to appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure hereinbefore provided for the non-criminal disposition of the case, the clerk shall, as soon as may be, notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for violations of these ordinances.

As used in this section the term "district court" shall include, within the limits of its jurisdiction, the Boston Municipal Court.

The notice to appear provided herein shall be printed in such form as may be satisfactory to the chief justice of the Boston Municipal Court and to the administrative committee of the district courts as created by section 43A of chapter 218 of the General Laws.

The provisions of this section are severable, and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Chapter 13 - Regulations Affecting Certain Trades

Sec.

Junk Dealers, Weighers and Measurers

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- 401 Record of Purchases to be Kept; Inspection
- 402 Signs
- 403 Sales Restricted
- 404 Restriction on Display of Articles
- 405 Weighers of Vessels and Ballast, Books and Accounts
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-



Junk Dealers, Weighers and Measurers

## §400 LICENSES

The police commissioner for the city of Boston may license suitable persons to be collectors of, or dealers in and keepers of shops for the purchase, sale, or barter of, junk, old metals, or second-hand articles.

## Historical Notes

Ord. May 6, 1839

Rev. Ord. 1961 c. 28 §1

G.L. c. 140 §54

## Cross References

Ordinances, Title 11 §1

Ordinances, Title 14 §352

## §401 RECORD OF PURCHASES TO BE KEPT; INSPECTION

Every such shop-keeper shall keep a book, in which shall be written, at the time of every purchase of any such article, a description thereof, and the name, age, and residence of the person from whom, and the day and hour when, such purchase was made; and the shop of such shopkeeper, and all articles of merchandise therein, and such book shall at all times be open to the inspection of the mayor, the city council, the police commissioner, or of any person by them respectively authorized to make such inspection.

## Historical Note

Rev. Ord. 1961 c. 28 §2

## §402 SIGNS

Every such shop-keeper shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

## Historical Note

Rev. Ord. 1961 c. 28 §3

## §403 SALES RESTRICTED

No such shop-keeper holding a license from the police commissioner as a dealer in second-hand articles shall permit to be sold any article purchased or received by him until at least thirty days after its purchase or receipt. Nor shall any dealer in, or keeper of a shop for the purchase, sale, or barter of, junk or old metals, permit to be sold any article purchased or received by him until at least one week after its purchase or receipt.

## Historical Note

Rev. Ord. 1961 c. 28 §4

## Cross Reference

Ordinances, Title 14 §352

## §404 RESTRICTION ON DISPLAY OF ARTICLES

No such shop-keeper holding a license from the police commissioner as a dealer in any second-hand articles shall permit to be displayed any second-hand furniture or household effects in any open area surrounding or appurtenant to the premises occupied by said licensee.

## Historical Notes

Ords. 1931 c. 5

Rev. Ord. 1961 c. 28 §5

## Cross Reference

Statutes, Title 11 §1

## §405 WEIGHERS OF VESSELS AND BALLAST, BOOKS AND ACCOUNTS

The weighers of vessels and ballast shall keep regular books showing the work done, the reports thereon, the fees earned, and the dates of all certificates.

## Historical Notes

Rev. Ord. 1961 c. 28 §6

G.L. c. 102 §6

## Cross Reference

Statutes, Title 11 §30

## §406 OFFICE OF WEIGHERS

The office of the weighers shall be open from sunrise to sunset on every day except Sundays and legal holidays, but may be closed during the months of April, May, June, July, August and September, from seven to eight o'clock in the forenoon, and during the other months from eight to nine o'clock in the forenoon, and through the whole year from one to two o'clock in the afternoon.

## Historical Notes

Rev. Ord. 1961 c. 28 §7

G.L. c. 102 §14

## Cross Reference

Statutes, Title 11 §30

## §407 MASTERS OF VESSELS TO REPORT TO WEAHER; INSPECTION OF VESSELS

The master of every vessel that has stone, sand, gravel, or ballast for sale by weight, to be delivered within the city, shall, on arrival, report in person at the office of the weighers, and shall produce for examination a certificate of the marks and measurements of his vessel whenever a weigher so demands. One of the weighers shall go on board every such vessel, and inspect its marks both

before and after the delivery of such material, and inspect and weigh such material; and the person having charge of the vessel shall before such delivery, if so required by the weigher, pump out all the water in the vessel, and trim it so as to make it swim at equal marks at stem and stern, and shall not deliver any of such material until inspected; but this section shall not apply to sand sold for building purposes unless the purchasers request an inspection. Whoever violates any provision of this section shall be punished by a fine not exceeding one hundred dollars for each offence.

Historical Note

Rev. Ord. 1961 c. 28 §8

Cross Reference

Statutes, Title 11 §30

§408

REPORTS AND CERTIFICATES

When a weigher has inspected and weighed any stone, sand, gravel, or ballast in any vessel, he shall forthwith file a report in the office of the weigher, showing the name of the vessel, the vendor, the kind of material, the weight, and deduction of light-water marks, and the amount of fees received, and shall give a certificate, containing the same matters, to the vendor or owner, but such certificate shall not be given for any material sold out below light-water marks.

Historical Note

Rev. Ord. 1961 c. 28 §9

Cross Reference

Ordinances, Title 11 §30

§409

VESSEL NOT SUBJECT TO SECOND WEIGHING

No vessel which has once been weighed and marked according to law by a weigher of the city of Boston shall be subject to charge for a second weighing or marking, unless it appears that her former weight or marks are incorrect or have been changed; but every vessel which has been so weighed and marked shall be subject to the examination and inspection of every weigher, without charge, for the purpose of ascertaining whether the weights are correct or have been altered.

Historical Note

Rev. Ord. 1961 c. 28 §10

Cross References

Statutes, Title 9 §10

Statutes, Title 11 §30

§410

FEEs FOR MEASURERS OF WOOD AND BARK

The fees for measurers of wood and bark shall be ten cents for each cord measured, to be paid to the measurer by the owner or vendor.

Historical Notes

Rev. Ord. 1961 c. 28 §11

G.L. c. 94 §300



## §411 FEES FOR MEASURING GRAIN

The fees for measuring wheat, corn or other grain shall be three-quarters of a cent for each bushel, to be paid to the measurer by the owner or vendor.

## Historical Notes

Rev. Ord. 1961 c. 28 §12

G.L. c. 94 §221

## §412 FEE FOR INSPECTING BALLAST

The fee for inspecting the weight of stone, sand, gravel, or ballast of any kind shall be five cents for every ton, which fee in all cases shall be paid by the vendor and repaid by the vendee.

## Historical Note

Rev. Ord. 1961 c. 28 §13

## §413 ALL OTHER FEES

All fees not herein specially enumerated shall be as provided by law.

## Historical Note

Rev. Ord. 1961 c. 28 §14

Minors' Licenses

## §414 REQUIREMENTS FOR LICENSES

No minor between the ages of sixteen and twenty-one years shall, in any street or public place of the city, work as a bootblack, or sell or expose for sale any newspapers, magazines and periodicals, ice, song sheets, religious publications, flowering plant and such flowers, fruit and berries as are wild and cultivated unless he has a license therefor granted by the mayor and city council.

## Historical Notes

Reg. January 25, 1892

St. 1934 c. 114

St. 1937 c. 73

Rev. Ord. 1961 c. 28 §15

G.L. c. 101 §19

## §415 ISSUE OF LICENSE

The city clerk shall receive applications of parents or guardians of minors, or of responsible citizens of Boston, for licenses for minors, and shall, when such a license is granted, issue the license and a badge to such minor. Every such license shall be issued and accepted on condition that

the minor shall comply with the terms of the following section, which shall be printed in the license.

Historical Note

Rev. Ord. 1961 c. 28 §16

Cross Reference

Ordinances, Title 2 §552

§416

CONDITIONS

The minor shall conform to the statutes and ordinances; shall surrender his license and badge to the city clerk when notified that his license has been revoked; shall not transfer or lend his license or badge, or furnish any unlicensed minor with newspapers or other articles to sell; shall not sell newspapers in or on any part of a street other than the sidewalk, or in or on a street car without the permission of the company operating such car; shall not at any time, while engaged in working as a bootblack or selling articles in public places, congregate with other persons, or make any unnecessary noise, or in any way disturb or annoy persons as they pass, or obstruct free passage on any sidewalk, crosswalk or entrance to any public place, or occupy any stand with any other person, or allow any unlicensed minor to assist or accompany him, or allow idle persons to assemble or congregate around him or around any stand occupied by him, or so work or sell in any other place than that specified in his license when a place is so specified, or at any time while so working or selling fail to wear conspicuously in sight the badge furnished to him by the city clerk, or fail to exhibit his license to any police or other officer of the city if requested by him so to do. Any minor who violates any of these provisions shall be deprived of his license and badge, and be subject to a fine.

Historical Note

Rev. Ord. 1961 c. 28 §17

Cross Reference

Ordinances, Title 2 §552

Regulation of Certain Activities Respecting Real Estate

§417

REGULATION OF REAL ESTATE ACTIVITIES

Any person who solicits the sale, lease, sub-lease, or the listing for sale, lease, or sub-lease, of residential property on the ground of a current or prospective change in the ethnic, racial, social or religious character of a neighborhood or on the grounds of the expansion of the Logan International Airport in the East Boston section of Boston, and any person who induces or attempts to induce such a sale, lease, sub-lease or listing by a statement, written or oral, concerning any such neighborhood change, shall be punished by a fine not exceeding fifty dollars on account of each solicitation or listing made, or inducement offered, to any person or business entity who is the owner or lessee of residential property, or who seeks to own or lease such property.

Every real estate broker soliciting the sale, lease, or the listing for sale or lease, of three or more residential properties fronting on either side of any street between intersecting or cross streets

or between a cul-de-sac or other like termination point and an intersecting or cross street within any 90 day period, whether directly or through his salesman, shall maintain a permanent record, for at least one year from the date of said solicitation, which shall be available for inspection by the Corporation Counsel or any representative thereof upon request, setting forth the name and address of each person so solicited, the address of the property involved, the name of the licensee actually making such solicitation, and the date upon which the solicitation took place. At the request of the Corporation Counsel or any representative thereof, any such broker shall file with the Corporation Counsel a copy of the permanent record, or a statement containing the same information as set forth in the permanent record. Such filing shall be made with the City Clerk no later than ten days following the request therefor.

For the purposes hereof, "soliciting" includes solicitation by telephone, mail, personal visitation, materials distributed by hand, or any other media.

#### Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 28 §18A

#### Cross Reference

Ordinances, Title 5 §450

### Transient Vendors

## §418 LICENSES FOR VENDORS

Every transient vendor, whether principal or agent, authorized by state license to do business in this commonwealth, before making any sales of goods, wares and merchandise in the city of Boston, shall make application for a local license to the city clerk, stating the names, residences and places of business of the owners or parties in whose interest said business is conducted, and shall at the same time file with the city clerk a true statement, under oath, of the average quantity and value of the stock of goods, wares, and merchandise kept or intended to be kept or exposed by him for sale. The city clerk shall submit said statement to the commissioner of assessing who shall forthwith make an examination and valuation of such goods, wares and merchandise and transmit a certificate thereof to the city clerk.

#### Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 28 §19

#### Cross References

Ordinances, Title 2 §550

Ordinances, Title 6 §100

## §419 ISSUANCE OF LICENSES; BOND TO CITY

Upon the payment of the fee prescribed by clause (345) of section 450 of Title 14 of these ordinances, the city clerk shall issue to the transient vendor a license authorizing the sale of such goods, wares and merchandise within the city of Boston. Such license shall remain in force so long as the licensee shall continuously keep and expose for sale in the city of Boston such stock



of goods, wares and merchandise, but not later than the first day of January following its date of issuance. Every transient vendor licensed under this ordinance shall also execute a bond to the city of Boston in the sum of \$500 with two sufficient sureties, conditioned for faithful observance of this ordinance.

Historical Notes

St. 1933 c. 254 §64

Ords. 1956 c. 7 §6

Rev. Ord. 1961 c. 28 §20

§420 DISPLAY OF LICENSE

Every transient vendor who is granted a license under the provisions of this chapter shall exhibit the same at all times, while in force, in some conspicuous part of the place of business for which it is issued.

Historical Note

Rev. Ord. 1961 c. 28 §21

§421 DEFINITION

The term "transient vendor" for the purposes of this ordinance shall be the same as defined in sections 1 and 2 of chapter 101 of the General Laws of Massachusetts and acts in amendment thereof and addition thereto.

Historical Note

Rev. Ord. 1961 c. 28 §22

Cross Reference

G.L. c. 101 §§1,2

§422 PENALTIES FOR VIOLATION

Any person, association or corporation who shall engage in the business of a transient vendor, as herein defined, without having secured a license for that purpose as provided in this chapter, or who neglects or refuses to file the statement described in section 418 of this chapter, or who makes a false or fraudulent representation in said statement, or who, having secured such license, shall thereafter fail to pay the sum required herein, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of twenty dollars for each day during which such goods, wares or merchandise are kept or exposed for sale.

Historical Note

Rev. Ord. 1961 c. 28 §23

Registration of Keepers of Shops for Barter, Rental or Sale of Printed  
Matter or Motion Picture Films Restricted to Adults

§423

## REGISTRATION OF CERTAIN SHOPS

On and after September first, 1969, no person shall in any year keep a shop for the barter, rental or sale of printed matter or motion picture film if such shop is not open to the public generally but only to one or more classes of the public excluding minors under eighteen years of age unless in such year or in the preceding December for such year such person has registered with the city clerk as provided in section 424 and the number assigned to him upon such registration is clearly and conspicuously imprinted on all printed matter and motion picture films in such shop; nor shall any person keeping a shop for the barter, rental or sale of printed matter or motion picture film in any year keep a part of his stock segregated as available only to one or more classes of the public excluding minors under eighteen years of age unless in such year or in the preceding December for such year such person has registered with the city clerk as provided in section 424 and the number assigned to him upon such registration is clearly and conspicuously imprinted on all printed matter and motion picture films constituting a part of the stock so segregated; nor shall any person in any year at any place in the city, barter, rent or sell, or offer for barter, rental or sale, any printed matter or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding minors under eighteen years of age unless in such year or in the preceding December for such year such person has registered with the city clerk as provided in section 424 and the number assigned to him upon such registration is clearly and conspicuously imprinted on such printed matter or motion picture film.

## Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 28 §23A

This section and the following two were held unconstitutional in Broadway Distributors, Inc. v. White, 307 F.Supp. 1180 (D. Mass. 1970).

§424

## FILING FOR APPLICATION

Any person desiring that a registration number be assigned to him for the purpose of section 423 shall make application therefor to the city clerk in a writing setting forth: -- (1) his name and place of residence, (2) the address of such shop or place, (3) the names and places of residence of all persons having a financial interest in the business, and (4) the names and business addresses of all persons supplying the printed matter or motion picture film to be offered for barter, rental or sale. Any person making application as aforesaid shall from time to time during the year as circumstances change file supplementary writings with the city clerk setting forth such changes. Unless subsequent to the effective date of section 423 the applicant has violated section 28 or section 28A of chapter 272 of the General Laws and been finally adjudged guilty of such violation, the city clerk shall assign to the applicant a registration number.

## Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 28 §23B

## Cross Reference

G.L. c. 272 §§28,28A

See Note above.

## §425 PENALTY FOR VIOLATION

Whoever violates any provision of section 423 or whoever makes a false or fraudulent representation in making an application under section 424, or whoever neglects or fails to file supplementary writings as required by section 424 shall be subject to a fine of fifty dollars for each day on which such violation occurs or during which such violation continues.

## Historical Note

Rev. Ord. 1961 (Sup. 1971) c. 28 §23C

See Note above.

Theatrical Exhibitions and Public Amusements

## §426 APPLICATION FOR LICENSE

The Mayor may, unless otherwise prohibited by law, grant a license for theatrical exhibitions, public shows, public amusements, and exhibitions of every description, to be held upon weekdays only, to which admission is obtained upon payment of money or upon the delivery of any valuable thing, or in which, after free admission, amusement is furnished upon deposit of money in coin-controlled apparatus. The application for such license must be in writing and fully and specifically describe the conditions of the proposed exhibition, show, or amusement and the premises upon which the proposed exhibition, show, or amusement is to take place, to the extent that such conditions or premises would affect the public safety, health, or order. Upon written request of the Mayor the applicant shall in addition to such description furnish reasonable information concerning the condition of the premises and actions to be taken in order to prevent danger to the public safety, health, or order.

## Historical Note

Ord. 1973 c. 9

## Cross Reference

Ordinances, Title 2 §357

## §427 TIME LIMIT FOR ACTING ON APPLICATION

The Mayor shall act upon every application for a license or renewal of a license within thirty days next following the date of the filing of said application; and if he shall fail to act upon any application within the thirty days next following the date thereof or such other time as may be prescribed by law, he shall forthwith upon demand of the applicant issue or renew such license.

## Historical Note

Ord. 1973 c. 9

## Cross Reference

Ordinances, Title 2 §357



## §428 ISSUANCE OF LICENSES

The Mayor shall grant a license unless he specifically finds and states in writing within thirty days next following the date of the filing of the application therefor that the granting of said license would lead to violations of the public safety, health, or order, and further states the specific reason or reasons for his not granting said license. The Mayor may impose conditions upon a license, but said conditions may only relate to public safety, health, or order.

## Historical Note

Ord. 1973 c. 9

## Cross Reference

Ordinances, Title 2 §357

## §429 SUSPENSION OF LICENSE

No license shall be revoked or suspended without a hearing before the Mayor or his designate, prior to which hearing the Mayor or his designate shall give reasonable notice of the time and place of the hearing and the specific grounds of the proposed revocation or suspension; provided that the Mayor may suspend a license for no more than three days without such notice or hearing if the Mayor specifically notifies the license holder in writing there is a probability of violation of public safety, health, or order without such suspension. In such a case a hearing shall be held within forty-eight hours of said suspension in order to determine whether the public safety, health, or order justified such suspension.

## Historical Note

Ord. 1973 c. 9

## Cross Reference

Ordinances, Title 2 §357

## §430 FINE FOR VIOLATION

Whoever offers to view, sets up, sets on foot, maintains, carries on, or otherwise assists in or promotes any such exhibition, show, or amusement without a license shall be subject to a fine of fifty dollars for each day on which such violation occurs or during which said violation continues.

## Historical Note

Ord. 1973 c. 9,10

Chapter 15 – Fees and Charges

Sec.

450	Enumeration
451	When Paid
452	Renewal Fees
453	Exemptions for Public Officials
454	Other Exemptions
455	Exemption for Boston Housing Authority
456	<u>City Record: Advertising and Subscription Charges</u>
457	Annual Sewer Use Charges
458	Public Telephone

## §450 ENUMERATION

The following fees and charges are hereby fixed under all powers hereunto enabling (including that conferred by chapter 222 of the acts of 1949):

(1) Abatement Records, Copies of. The fee to be paid for the furnishing by the secretary to the commissioner of assessing of a copy of a record which section 60 of chapter 59 of the General Laws requires be kept shall be \$1.00 for each page or part thereof.

(2) Alcohol (Methyl or Wood), License to Manufacture or Deal in. The fee for a license granted by the board of health and hospitals under section 303B of chapter 94 of the General Laws to engage in the business described in section 303A of said chapter shall be \$3.00.

(3) Appeal to Board of Appeal under Building Code. The entry fee which shall be paid to the building commissioner for each appeal to the board of appeal from a decision of such commissioner under the Boston Building Code shall be, in the case of a structure which if on such appeal the appellant prevails, is to be used exclusively for dwelling purposes by not more than three families, \$25.00, and in the case of each and every other structure, a primary fee of \$50.00 and an additional fee of \$50.00 for each and every deviation or variance from the Boston Building Code sought by such appeal (including the first).

(4) Appeal to Board of Appeal under Zoning Law. The entry fee which shall be paid to the building commissioner for each appeal under section 8 of chapter 665 of the acts of 1956 to the board of appeal from a refusal, order or decision of an administrative official shall be, in the case of a structure which, if on such appeal the appellant prevails, is to be used exclusively for dwelling purposes by not more than three families, \$50.00 (which shall include the cost to the city of publishing and sending notice of hearing as required by law), and in the case of each and every other structure, a primary fee of \$75.00 (which shall include the cost to the city of publishing and sending notice of hearing as required by law) and an additional fee of \$50.00 for each and every deviation or variance from the Boston Zoning Code sought by such appeal (including the first).

- (4A) Archery stamp. The fee for an archery stamp issued by the city clerk under chapter 131 of the General Laws shall be as prescribed by section 11 of said chapter 131.
- (5) Assembly, Permit to Use Place as Place of. The fee for a permit granted by the chief of the fire department under section 23.01 of the Boston Fire Prevention Code to maintain, operate and use a place as a place of assembly shall be \$1.00 for each calendar month in which such permit may be exercised.
- (6) Assessor's Certificate as to Abutters. The charge to be paid for a certificate by or in behalf of the commissioner of assessing of the persons who on a specified assessment date were assessed for parcels of land abutting on a specified parcel of land shall be a primary fee of \$1.00 if the certificate is prepared by the applicant therefor, and of \$5.00 if it is not, and in either case an additional fee of \$.50 for each parcel of land abutting on the specified parcel.
- (7) Assessor's Certificate as to Listing of Person. The charge to be paid for a certificate by or in behalf of the commissioner of assessing as to the record of the listing of a person on one or more specified dates under chapter 29 of the General Acts of 1917, as amended, or under corresponding provisions of earlier law, shall be \$.25 for each date specified but in no event less than \$1.00; and the charge to be paid for a duplicate of any such certificate, if ordered simultaneously with the original, shall be \$.25.
- (8) Assessor's Certificate as to Poll Tax. The charge to be paid for a certificate by or in behalf of the commissioner of assessing as to the assessment of a particular person for a poll tax on one or more assessment dates shall be \$.25 for each assessment date but in no event less than \$1.00; and the charge to be paid for a duplicate of any such certificate, if ordered simultaneously with the original, shall be \$.25.
- (9) Assessor's Certificate as to Real Estate Tax. The charge to be paid for a certificate by or in behalf of the commissioner of assessing as to the assessment on one or more assessment dates of a particular parcel of land or of two or more parcels of land assessed to the same person or persons on such date or dates shall be \$.25 for each assessment date but in no event less than \$1.00; and the charge to be paid for a duplicate of any such certificate if ordered simultaneously with the original, shall be \$.25.
- (10) Assignment f/b/o Creditors. The fee of the city clerk for filing and indexing a copy of an assignment for the benefit of creditors under section 41 of chapter 203 of the General Laws shall be \$2.00.
- (11) Assignment of Wages. The fee of the city clerk for recording under either chapter 154 or chapter 255 of the General Laws an assignment of, or order for, future wages or salary, including any acceptance thereof by the employer, shall be \$1.00.
- (12) Association Merged into Corporation. The fee of the city clerk for receiving and filing under section 46A of chapter 156 of the General Laws a copy, certified by the secretary of the commonwealth, of articles of amendment in connection with the merger of an association into a corporation or a certificate issued pursuant to section 46F of said chapter 156 evidencing the filing of such articles with such secretary shall be \$5.00.



(13) Attachment of Bulky Personal Property. The fee of the city clerk for receiving and filing a certified copy of writ and return of attachment of bulky personal property under section 51 of chapter 223 of the General Laws shall be \$1.00.

(14) Attachment of Bulky Personal Property, Dissolution of. The fee of the city clerk for receiving and filing a dissolution of attachment of bulky personal property shall be \$1.00.

(15) Attorney. See Power of Attorney.

(16) Auction, License of Establishment for Closing Out. The fee for a license granted by the police commissioner under section 18 of chapter 100 of the General Laws to conduct or maintain an establishment for holding an auction represented or advertised by any such descriptive term as is set forth in said section 18 shall be \$10.00.

(17) Auction, License of Establishment for Sale of Jewelry, etc., at. The fee for a license granted by the police commissioner under section 14 of chapter 100 of the General Laws to conduct or maintain an establishment for the sale at auction of the articles or goods enumerated in said section 14 shall be \$10.00.

(18) Auctioneer's License (for Resident). The fee for an auctioneer's license granted by the police commissioner under section 2 of chapter 100 of the General Laws shall be \$15.00.

(19) Auctioneer's Permit (for Non-Resident to Auction Goods Brought into City for Sale by Auction). The fee for an annual auctioneer's permit granted by the police commissioner under section 6 of chapter 100 of the General Laws shall be \$35.00.

(20) Auctioneer's Permit (for Non-Resident to Auction Jewelry, etc., at Licensed Establishment). The fee for a permit to act as an auctioneer issued by the police commissioner under section 14 of chapter 100 of the General Laws shall be \$5.00.

(21) Auctioneer's Special License (for Non-Resident to Auction Real Estate, Livestock and General Farm Equipment and Produce). The fee for a special auctioneer's license granted by the police commissioner under section 2 of chapter 100 of the General Laws shall be \$10.00 for each of the days for which it is granted.

(21A) Auditorium, Use of. The charge to be paid for a license from the auditorium commission to use the municipal auditorium or the assembly hall, first floor exhibition hall, or second floor exhibition hall therein for a day or part of a day shall be the basic fee and the additional fee prescribed by this clause. The basic fee shall be such amount as the auditorium commission shall deem reasonable in the circumstances after taking into account the season of the year, the particular day or days involved, the type and extent of the use involved, the prices of others for competing facilities, and all other relevant factors; provided, however, that in the case of a license covering all halls in the auditorium, the basic fee shall be not less than \$2,500.00 nor more than \$4,500.00, except that the basic fee for such a license shall be, in the case of a use ceasing before 1:00 P.M., not less than \$1,200.00 nor more than \$1,800.00, and in the case of a use commencing after 1:00 P.M., not less than \$1,800.00 nor more than \$3,000.00; and provided further, that in the case of a license for the assembly hall, the basic fee shall be not less \$1,000.00 nor more than \$2,500.00, except in the case of a use ceasing before 1:00 P.M., in which case the basic fee shall be not less than \$500.00 nor more than \$1,200.00; and provided also that in the case

of a license for the first floor exhibition hall, the basic fee shall be not less than \$1,200.00 nor more than \$2,000.00, except that the basic fee for such a license shall be, in the case of a use ceasing before 1:00 P.M., not less than \$500.00 nor more than \$1,000.00, and in the case of a use commencing after 1:00 P.M., not less than \$800.00 nor more than \$1,500.00; and provided in addition, that in the case of a license for the second floor exhibition hall, the basic fee shall be not less than \$500.00 nor more than \$1,200.00, except that the basic fee for such a license shall be, in the case of a use ceasing before 1:00 P.M., not less than \$300.00 nor more than \$600.00, and in the case of a use commencing after 1:00 P.M., not less than \$450.00 nor more than \$900.00. When, incident to a license for which a basic fee is paid, a further license is granted to use the hall or halls covered by the principal license solely for setting up, rehearsing or dismantling the exhibition, convention or other show or gathering to be held under the principal license, no basic fee need be imposed for such further license unless the days covered thereby exceed in number the days covered by the principal license. The minimum and maximum basic fees set by this clause shall be construed to include general light, heat and air conditioning and, in the case of the assembly hall, the use of such city-owned seats and of such city-owned risers therefor as the auditorium commission from time to time may control. The additional fee shall be such amount as the auditorium commission shall determine approximates the cost to the city of furnishing communication services and compressed air, water, steam, gas and electricity for specific uses, of providing janitorial and clean-up services, of providing, setting up and removing booths, counters, signs, tables, chairs or other furnishings in any hall or meeting room, of receiving, setting up and dismantling exhibits, of handling and storing crates, of opening and closing the orchestra pit, of dismantling and resetting city-owned seats and risers in the assembly hall, and of supplying carpenters, electricians, gasfitters, plumbers and other tradesmen, doorkeepers, guards, watchmen, ticket sellers, ticket takers, ushers, porters, technicians and operators for public address system, motion picture equipment, stage lighting and equipment, and other special lighting or equipment, and other such personnel.

(22) Automatic Amusement Device License. The annual fee for a license granted by the licensing board under section 177A of chapter 140 of the General Laws for any automatic amusement device licensed thereunder shall be \$35.00. The fee for any such license granted after January thirty-first in any year shall be \$3.00 for each calendar month in which the license may be exercised. The fee for every amendment of any such license by changing the premises specified shall be \$3.00.

(23) Automobile Wrecking Yard Permit. The fee for a permit granted by the chief of the fire department under section 3.02 of the Boston Fire Prevention Code to conduct or maintain an automobile wrecking yard shall be \$2.00 for each calendar month in which such permit may be exercised.

(23A) Back Bay Architectural Commission Certificate of Design Approval. The fee for the issuance of a certificate of design approval by the secretary of the Back Bay architectural commission under section 8 of chapter 625 of the acts of 1966 shall be, in the case of the construction, reconstruction or demolition of the whole or such portion of the exterior of a structure as is designed to be open to view from a street other than a public alley, \$35.00, and in every other case, \$5.00.

(24) Badges, Medallions and Plates, Replacement of Lost. Except as otherwise expressly provided in this ordinance, the fee of any board or officer for replacing any lost badge, medallion or plate shall be \$1.00.



(25) Bathing Suits. The charge to be paid to the parks and recreation department for the use on one day of a bathing suit furnished by said department shall be, in the case of a child under age thirteen, \$.05, and in the case of any other person, \$.15.

(26) Baths (Vapor, Pool, Shower or Other). The fee for an annual license granted by the board of health and hospitals under section 51 of chapter 140 of the General Laws to conduct an establishment for the giving of vapor, pool, shower or other baths for hire or reward shall be \$25.00.

(27) Beacon Hill Architectural Commission Certificate of Appropriateness. The fee for the issuance of a certificate of appropriateness by the secretary of the Beacon Hill architectural commission under section 7 of chapter 616 of the acts of 1955 shall be, in the case of the construction, reconstruction or demolition of the whole or such portion of the exterior of a structure as is designed to be open to view from a public way, \$35.00, and in every other case, \$5.00.

(28) Beast, Determination of Amount Due from Owner of Impounded. The fee of the city clerk for issuing a warrant under section 36 of chapter 49 of the General Laws shall be \$1.00.

(29) Beverage Bottles. See Registration of Beverage Bottles.

(30) Beverages, Manufacture or Bottling of. The fee for a permit granted by the board of health and hospitals under section 10B of chapter 94 of the General Laws to engage in the business of manufacturing or bottling carbonated non-alcoholic beverages, soda waters, mineral or spring waters shall be that prescribed by said section 10B.

(31) Bicycle Registration. The fee for the registration of a bicycle and the issuance of a certificate of registration and registration plate by the police department under section 11A of chapter 85 of the General Laws shall be \$.25.

(32) Bicycle Registration, Duplicate Plate. The charge of the police department for replacing a lost bicycle registration plate shall be \$.25.

(33) Bills of Sale. See Personal Property Mortgages, etc.

(34) Birth, Entry of Delayed Record of. The fee of the city registrar for entering under section 13 or section 13A of chapter 46 of the General Laws a delayed record of birth shall be \$1.00.

(34A) Birth, Marriage or Death, Abstract Copy of Record of. The fee of the city registrar for furnishing an abstract copy of a record of a birth, marriage or death shall be \$.50.

(35) Birth, Marriage or Death, Amendment, Correction or Supplementaion of Record of. The fee of the city registrar for amending, correcting or supplementing under section 13 of chapter 46 of the General Laws the record of a birth, marriage or death, including amending thereunder the record of the birth of an illegitimate child upon legitimation, shall be \$1.00.

(36) Birth, Marriage or Death, Certificate as to Record of. The fee of the city registrar for furnishing a certificate as to the record of a birth, marriage or death shall be \$1.00.



(37) Births, Marriages and Deaths, Copy of Record of. The fee of the city registrar for furnishing a certified copy of a record or paper relating to a birth, marriage or death shall be \$2.00 for each page or part thereof; provided, that any person whom for cause the city registrar deems entitled to exemption from said fee shall receive such copy for such reduced fee, or without fee, as the city registrar may determine.

(38) Births, Marriages and Deaths, Search of Records of. The fee of the city registrar for searching, or causing to be searched, upon request, records or papers relating to births, marriages or deaths shall be \$.50 for each quarter hour or fraction thereof; provided, that any person whom for cause the city registrar deems entitled to exemption from said fee shall receive such service for such reduced fee, or without fee, as the city registrar may determine.

(39) Blasting Bond. The fee of the city clerk for receiving and filing a bond given under section 19 of chapter 148 of the General Laws in connection with a permit to use an explosive in the blasting of rock or other substance shall be \$1.00.

(40) Blasting Permit. The fee for permit granted by the head of the fire department under section 10A of chapter 148 of the General Laws to use explosives shall be \$5.00 for each blast or series of concomitant blasts thereby authorized.

(41) Boat License. The fee for a license to run a steamboat or other boat propelled by power other than muscular power for the conveyance for hire of passengers on a lake, pond or waters not within the maritime jurisdiction of the United States granted by the city council under section 191 of chapter 140 of the General Laws shall be \$50.00; and the fee of the city clerk for recording such a license under section 192 of said chapter 140 shall be \$1.00.

(42) Boat or Raft, Permit to Moor. The fee for a permit granted by the commissioner of public works to moor a boat or raft to property of the city under the charge of such commissioner shall be, for each monthly period in which such permit may be exercised, a primary fee of \$.50 and an additional fee of \$.50 for each five feet in the length of the boat or raft.

(43) Bowling Alley License. The fees for a license to keep a bowling alley for hire, gain or reward granted by the licensing board under section 177 of chapter 140 of the General Laws shall be a primary fee of \$5.00 and an additional fee of \$8.00 for each alley or bed.

(44) Repealed by Ord. 1962 c. 11 §2.

(45) Bowling Alley Refinishing Permit. The fee for a permit granted by the chief of the fire department under section 4.02 of the Boston Fire Prevention Code to refinish bowling pins, or resurface bowling alleys, or both, using flammable liquids or materials, shall be \$10.00.

(46) Boxing Ring. The charge to be paid for the furnishing of a boxing ring by the parks and recreation department shall be \$45.00 for the transportation, assembly and dismantling of the ring and \$5.00 for each day of use; provided, that if such ring is furnished to a hospital, no charge shall be made either for transportation, assembly and dismantling or for use.

(47) Builder's or Mechanic's License. The fee for a license granted by the board of examiners under section 120 of the Boston Building Code and classified by said board under paragraph (c) of said section as an ABC license shall be \$40.00; provided that the fee for a renewal of such

license shall be, if paid on or before or within thirty days after the expiration date of the license renewed, \$25.00, otherwise, \$30.00. The fee for any other license or combination of licenses granted by the board of examiners under said section 120 shall be \$30.00; provided that the fee for a renewal of such a license, for which the fee is paid on or before or within thirty days after the expiration date of the license renewed, shall be \$25.00, otherwise, \$30.00. No license shall be issued under this section until the licensee shall have certified that he owns a copy of the Boston Building Code. The fee to be charged by the board of examiners for the replacement of any lost license shall be \$5.00. Each fee fixed by this clause shall include the cost of the photograph of the licensee contained in the license.

(48) **Building Permit.** The fee of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to erect, enlarge, alter or substantially repair a building or structure shall be a fee of \$5.00 for each thousand dollars of the first million dollars of the fair cost of the work to be authorized by such permit as determined by said commissioner, \$2.50 for each thousand dollars of the next four million dollars of such cost, and \$1.00 for each thousand dollars of such cost in excess of five million dollars. The fees of the building commissioner for receiving an application for an amendment of such a permit shall be a primary fee of \$50.00 and an additional fee of \$5.00 for each one thousand dollars of the fair cost of the additional work to be authorized by such amendment as determined by said commissioner; provided, however, that there shall be no fee for receiving an application for an amendment wholly required by the building commissioner. The fees of the building commissioner for receiving an application for a permit under paragraph (c) of section 111 of the Boston Building Code for ordinary repairs and minor alterations not involving vital structural changes, or for such a permit to erect, enlarge, alter or substantially repair one or more signs, permanent awnings, marquees or other projections or fire escapes, balconies or other like structures with or without ordinary repair and minor alterations as aforesaid, shall be a primary fee of \$5.00 and an additional fee of \$2.50 for each five hundred dollars of the fair cost of the work to be authorized by such permit as determined by said commissioner. The fees of the building commissioner for issuing under paragraph (d) of section 111 of the Boston Building Code a special permit for the foundations of a building shall be a primary fee of \$50.00 and an additional fee of \$5.00 for each one thousand cubic yards or fraction thereof in excess of ten thousand cubic yards of excavation.

(49) **Building Demolition Permit.** The fees of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to demolish a building or structure shall be a primary fee of \$10.00 and an additional fee of \$5.00 for each story in the building or structure to be demolished and a further additional fee of \$2.00 for each full five thousand cubic feet in such building or structure as measured by the outer side of the outside walls, the exterior of the roof and the top of the foundation walls.

(50) **Building Materials Yard Permit.** The fee for a permit granted by the chief of the fire department under section 18.01 of the Boston Fire Prevention Code to operate a building materials yard, whether or not including the operation of a woodworking plant on the premises thereof and the storage on such premises of in excess of one hundred thousand board feet of lumber, shall be \$2.00 for each calendar month in which such permit may be exercised.

(51) **Building Moving Permit.** The fees of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to move a building or structure shall be a primary fee of \$10.00 and an additional fee of \$6.00 for each five thousand cubic feet in the building as measured by the outer side of the outside walls, the exterior of the roof and the top of the foundation walls.



(52) Building Occupancy, Permit to Change. The fee of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to change the occupancy of a building or structure shall be \$25.00.

(53) Building Plan Inspection Fee. The fee of the building commissioner for producing under paragraph (g) of section 109 of the Boston Building Code the plans of a building or structure for inspection more than two months after the completion of the work described in such plans shall be, in the case of a building or structure classified for occupancy in Group I, \$5.00, and in the case of each other building or structure, \$15.00.

(54) Business Name, Certificate or Statement relative to. The fee of the city clerk for receiving, filing and indexing a certificate presented under section 5 of chapter 110 of the General Laws shall be \$1.00 and for receiving, filing and indexing a statement presented under said section 5 shall be \$1.00.

(55) Business Name, Certified Copy of Certificate or Statement relative to. The fee of the city clerk for furnishing a certified copy of a certificate or statement filed under section 5 of chapter 110 of the General Laws shall be \$1.00.

(56) Carousel License. The fee for a license granted by the mayor under section 186 of chapter 140 of the General Laws to establish, keep open and maintain a carousel at a carnival shall be \$10.00 for each day on which such license may be exercised, except that in the case of a carousel exclusively for children under age thirteen, such fee shall be \$3.00 for each such day. The fee for a license so granted to establish, keep open and maintain a carousel other than at a carnival shall be \$15.00 for each monthly period in which such license may be exercised, except that in the case of a carousel exclusively for children under age thirteen, such fee shall be \$5.00 for each such monthly period.

(57) Cemetery, Permit for. The fee for a permit granted by the mayor and city council under section 34 of chapter 114 of the General Laws to use land for burial purposes shall be \$100.00.

(58) Cemetery Chapel, Use of. The charge to be paid to the cemetery division of the parks and recreation department for using for a funeral or memorial service a cemetery chapel shall be \$25.00.

(59) Cemetery Grave Opening Charges. The charge to be paid to the cemetery division of the parks and recreation department for opening a grave for an interment or removal between the hours of 8:00 A.M. and 4:00 P.M. on any day other than a Saturday, Sunday or legal holiday, hereinafter called regular cemetery hours, shall be \$40.00; and the charge to be paid as aforesaid for opening a grave for an interment or removal at any other time shall be \$50.00; provided, that the charge to be paid as aforesaid for opening a grave for the interment or removal of the remains of an infant dying before attaining the age of six months or the cremated remains of any deceased person shall be, in the case of such an interment or removal during regular cemetery hours, \$25.00, and in the case of such an interment or removal at any other time, \$35.00; and provided also, that the charge to be paid as aforesaid for opening a grave for two simultaneous interments or two simultaneous removals during regular cemetery hours shall be \$50.00, and at any other time \$60.00, unless both interments or removals are of the remains of infants dying as aforesaid or of cremated remains, in which case such charge shall be, if such interments or



removals are during regular cemetery hours, \$35.00, and if they are not during such hours, \$45.00. The charge to be paid as aforesaid for raising from an opened grave the remains of a deceased person shall be \$10.00, and for transporting such remains from one grave to another within the same cemetery, an additional \$10.00; except that the charge to be so paid for raising from an opened grave the remains of an infant dying before attaining the age of six months or the cremated remains of any deceased person shall be \$5.00, and for transporting such remains from one grave to another within the same cemetery, an additional \$5.00.

(60) Cemetery Interment Device Charge. The charge to be paid to the cemetery division of the parks and recreation department for the use on one day of an interment device furnished by said department shall be \$5.00; and the charge to be so paid for the use on one day of an artificial grass mat so furnished shall be an additional \$5.00.

(61) Cemetery Monument Foundation Charge. The charge to be paid to the cemetery division of the parks and recreation department for constructing a foundation for a headstone or monument shall be \$10.00 for each full square foot of surface area and \$2.50 for each additional quarter of a square foot or fraction thereof.

(62) Cemetery, Recording of Deed to Grave or Lot in. The fee of the parks and recreation commission for recording as agent of the city clerk under section 51 of chapter 550 of the acts of 1948 a deed to a grave or lot in any cemetery belonging to the city shall be \$1.00; provided, that there shall be no fee for so recording a deed of the city executed under section 15 of chapter 19 of these ordinances.

(63) Cesspool, Permit for Emptying of. The fee for a permit to empty a cesspool, vault or privy granted by the board of health and hospitals under Title 14 §66 of these ordinances shall be, in cases where the permit is granted for a twelve-month period, \$10.00, and, in cases where the permit is granted for a greater or less period, the amount bearing the same ratio to \$10.00 as the number of months for which the permit is granted bears to twelve, but in no event less than \$1.00.

(64) Chemicals, Permit to Handle and Store Hazardous. The fee for an annual permit granted by the chief of the fire department under section 15.03 of the Boston Fire Prevention Code to handle and store corrosive liquids, oxidizing materials, organic peroxides, ammonium nitrate, highly toxic material or poisonous gas shall be a primary fee of \$10.00 and an additional fee equal, in the case of fluids, to \$3.00 for each thousand of the first ten thousand gallons thereof, \$1.50 for each thousand of the next ninety thousand gallons thereof, \$1.50 for each ten thousand of the next four million nine hundred thousand gallons thereof, and \$1.50 for each one hundred thousand gallons thereof in excess of five million gallons, and in the case of solids, to \$3.00 for each ten thousand of the first one hundred thousand pounds thereof, \$1.50 for each ten thousand of the next nine hundred thousand pounds thereof, \$1.50 for each one hundred thousand of the next forty-nine million pounds thereof, and \$1.50 for each million pounds thereof in excess of fifty million pounds, and in the case of gases, to \$2.00 for each hundred of the first ten hundred cubic feet thereof, \$1.00 for each thousand of the next four hundred ninety-nine thousand cubic feet thereof, and \$1.00 for each ten thousand cubic feet thereof in excess of five hundred thousand cubic feet. The fee for a permit granted as aforesaid for any period other than a year shall be, for each calendar month in which such permit may be exercised, one twelfth of the fee for an annual permit.

(65) Chiropracist's Certificate. The fee of the city clerk for recording under section 21 of chapter 112 of the General Laws the name and address of a registered chiropracist and the date and number of his certificate shall be \$1.00.

(66) Church Records, Certified Copies of. The fee of the city clerk, and of the city registrar, for furnishing a certified copy of any record or registry in his custody under section 16 of chapter 66 of the General Laws shall be \$2.00 for each page or part thereof.

(67) City Clerk, Indexing of Instruments by. If any instrument or paper required by law to be recorded or filed with, and indexed by, the city clerk contains the names of more than two persons, there shall be added to the fee fixed by this section for recording or filing such instrument or paper the sum of \$.25 for each additional person whose name is to be indexed.

(68) City Clerk, Recording of Instruments by. The fee of the city clerk for recording an instrument or paper shall, except as otherwise expressly provided by this section, be \$1.00 for each page or part thereof.

(69) Closing Out Sales. The fee of the city clerk for receiving and filing an inventory, bond and statement under section 28A of chapter 93 of the General Laws for a sale with any such designation as is set forth in said section 28A shall be \$5.00.

(70) Club License. The fee for a license granted by the licensing board under section 21E of chapter 140 of the General Laws to a club, society, association or other organization, either incorporated or unincorporated, authorizing it to dispense food and beverages to be consumed on its premises, to its stockholders or members and their guests, but to no others, shall be \$15.00.

(71) Commercial Code. See Financing Statement under Uniform Commercial Code.

(72) Commissions of Constables. The fee of the city clerk for issuing the commission of a constable shall be \$5.00.

(73) Commissions of Weighers, etc. The fee of the city clerk for issuing the commission of a weigher, measurer or surveyor appointed under section 85 of chapter 41 of the General Laws, or of a public weigher of fish appointed under section 89 of said chapter 41, or of a weigher of beef appointed under section 140 of chapter 94 of the General Laws, or of a weigher of grain appointed under section 219 of said chapter 94, or of a weigher of hay appointed under section 236 of said chapter 94, or of a weigher of coal appointed under section 238 of said chapter 94, or of an inspector of lime appointed under section 262 of said chapter 94, or of a measurer of wood and bark provided for by section 296 of said chapter 94, or of a measurer of leather appointed under section 1 of chapter 95 of the General Laws, or of a weigher of vessels appointed under section 6 of chapter 102 of the General Laws, shall be \$2.00.

(74) Common Victualler's License. The fees for a common victualler's license granted by the licensing board under section 2 of chapter 140 of the General Laws shall be a primary fee of \$15.00 and an additional fee of \$15.00 for each fifty seats as determined by the maximum seating capacity.

(75) Copies or Duplicates of Licenses and Permits. Except as otherwise expressly provided in this ordinance, the fee for a certified copy or duplicate of any license or permit shall be \$1.00.



(76) Cows, Permit to Keep. The fee for an annual permit from the board of health and hospitals to keep cows, whether granted under Title 14 §257 of these ordinances or under a regulation made by such commissioner under section 31 of chapter 111 of the General Laws, shall be \$5.00 for each cow.

(77) Cross Country Course. The charge to be paid for each setting up and removal by the parks and recreation department of the flags of a cross country course shall be \$35.00.

(78) Dancing School License. The fee for a dancing school license granted by the mayor under section 185H of chapter 140 of the General Laws shall be \$5.00.

(79) Day Care Agencies. The fee for a license to conduct an agency giving day care to children granted by the board of health and hospitals under section 59 of chapter 111 of the General Laws shall be \$3.00.

(80) Deaths. See Births, Marriages and Deaths.

(81) Decorative Material Test. The charge to be paid for a determination by the testing laboratory in the fire department of the flammability of a sample of decorative material required by lawful rules of the head of said department to have a letter of approval before use in a public building or place of assembly shall be \$1.00.

(82) Directional Sign. The charge to be paid for the erection by the commissioner of traffic and parking of a directional sign upon the request of a charitable, religious, educational, literary, recreational, social, civic or veterans' organization or of a hospital shall be \$25.00, which shall include maintenance for five years.

(83) Dog License. The fee for a dog license issued by the police commissioner under section 147 of chapter 140 of the General Laws shall be, in the case of a male dog or of a spayed female dog for which the certificate required by section 139 of said chapter 140 has been filed with the city clerk, \$2.00, and in the case of any other female dog \$10.00; except that a dog license shall be issued without charge in the case of a dog specially trained to lead or serve a blind person if the division of the blind of the commonwealth certifies that such dog is so trained and actually in the service of a blind person.

(84) Dog License, Change in Record of. The fee of the police commissioner for changing under section 138 of chapter 140 of the General Laws the record of a dog license to show the name and address of a new owner or keeper shall be \$.50.

(85) Dogs, Spayed Female. The fee of the city clerk for receiving and filing under section 139 of chapter 140 of the General Laws a certificate or statement that a female dog has been spayed and thereby deprived of the power of propagation shall be \$1.00.

(86) Dog Tag, Substitute. The fee for a substitute dog tag furnished by the police commissioner under section 137 of chapter 140 of the General Laws shall be \$.25.

(87) Dog Transfer License. The fee for a dog transfer license granted by the police commissioner under section 146 of chapter 140 of the General Laws shall be \$.50.



(88) Dry-Cleaning or Dry-Dyeing Plant Permit. The fee for a permit granted by the chief of the fire department under paragraph (e) of section 13.01 of the Boston Fire Prevention Code to operate a dry-cleaning or dry-dyeing plant shall be \$1.00 for each calendar month in which such permit may be exercised.

(89) Dump, Assignment of Place for. The fee for the assignment by the board of health and hospitals under section 150A of chapter 111 of the General Laws of a place as a dumping ground for garbage, rubbish or other refuse shall be \$100.00.

(90) Dump Permit. The fee for an annual permit granted by the board of health and hospitals to deposit or dump refuse or noxious or decaying liquid or solid matter or house-dirt, house-offal or other house refuse matter, whether granted under Title 14 §260 or Title 14 §264, or both, of these ordinances, shall be \$100.00.

(91) Duplicate Receipt. The charge to be paid for the issuance by any board or officer of the city of a duplicate receipt for any payment shall be \$.35.

(92) Dynamo Installation Permit. The fee of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to install one or more engines or dynamos shall be \$5.00 for each engine or dynamo.

(93) Eggs, License to Break and Can. The fee for an annual license granted by the board of health and hospitals under section 89 of chapter 94 of the General Laws to carry on an establishment for the breaking and canning of eggs shall be \$100.00.

(94) Electrical Wiring and Fixtures, Written Notice of Approval or Disapproval of Installation, or Repair of. The fee of the building commissioner for giving under section 3L of chapter 143 of the General Laws written notice of his approval or disapproval of the installation or repair of electrical wiring or fixtures shall be \$5.00 or, if greater, the fee resulting from the application of the following:--

(a) Main Switch. For each main switch or like circuit breaker approved or disapproved, if it has a capacity of four hundred amperes or more and is not connected to a meter, \$100.00.

(b) Meter Loop. For each meter loop approved or disapproved, \$2.00.

(c) Service. For each service approved or disapproved, if rated over 240 volts, \$.50 for each ampere, in the case of installation, of the ampacity of such service at its connection with the electricity supply system, and in the case of alteration, relocation or repair, of the increase in such ampacity; and for each service approved or disapproved, if rated 240 volts or less, \$.25 for each ampere, in the case of installation, of the ampacity of such service at its connection with the electricity supply system, and in the case of alteration, relocation or repair, of the increase in such ampacity.

The fee of the building commissioner for giving under said section 3L written notice of his approval or disapproval of an installation to remain in place for one hundred and eighty days or less shall be, in the case of television lighting, \$50.00 for each twenty-four hour period during the whole or any part of which such installation is to remain in place, and in every other case, a primary fee of \$20.00 and an additional fee of \$5.00 for each thirty day period during the whole or any part of which such installation is to remain in place.

(95) Electrologist's License. The fee of the city clerk for recording under section 87HHH of chapter 112 of the General Laws a license to practice electrolysis or for issuing thereunder a certified copy of such a license or for receiving and filing thereunder such a certified copy shall be \$1.00.

(96) Elevator or Escalator Installation, Alteration or Repair Permit. The fee of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to install, alter or substantially repair one or more elevators shall be \$25.00 for the first elevator and \$10.00 for each additional elevator on the same premises or on adjacent premises in the same ownership or control; provided, that the fee for each builder's hoist shall be \$25.00; and provided, further, that the fee for each dumbwaiter shall be \$10.00. The word "elevator", as used in this clause, shall be construed to include escalator.

(97) Elevator and Escalator Inspection. The fee of the building commissioner for inspecting and testing under section 64 of chapter 143 of the General Laws an elevator as defined in section 62 of said chapter 143 shall be \$25.00 for the first elevator and \$10.00 for each additional elevator on the same premises or on adjacent premises in the same ownership or control; except that in cases where, at the request of the owner or person in control of the premises where an elevator is located, such inspection and testing is done at a time other than when the office of the building commissioner is open for the transaction of public business, such fee shall be \$35.00 for the first elevator and \$15.00 for each additional elevator on such premises or on adjacent premises in the same ownership or control.

(98) Repealed by Ord. 1968 c. 7 §5.

(99) Engine Installation Permit. See Dynamo Installation Permit.

(100) Entertainment License. The fee for a license granted by the licensing board under section 183A of chapter 140 of the General Laws (including a license so granted to an innholder or common victualler) shall be \$100.00; provided, that in cases where the entertainment is solely through the use of television, radio, and music provided by mechanical or electrical means, the fee shall be \$50.00; and provided also, that in cases where the entertainment is solely provided by not exceeding four instrumentalists, the fee shall be \$75.00.

(101) Explosives. See Flammable and/or Explosive Materials.

(102) Factor's Lien. The fee of the city clerk for receiving filing and indexing under section 42 of chapter 255 of the General Laws a notice of a factor's lien shall be \$3.00.

(103) Factor's Lien, Discharge of. The fee of the city clerk for receiving and filing under section 44 of chapter 255 of the General Laws a certificate, or a certified copy of a certificate, of the discharge of a factor's lien shall be \$3.00.

(103A) Federal Tax Lien. The fee of the city clerk for filing under section 39B of chapter 255 of the General Laws a notice of a federal tax lien, or a certificate of the discharge of such a lien, or a certificate releasing specific property from such a lien, shall be \$3.00.

(104) Feed Mill, Permit to Operate. The fee for a permit granted by the chief of the fire department under section 6.02 of the Boston Fire Prevention Code to operate a feed mill shall be \$2.00 for each calendar month in which such permit may be exercised.



(105) Fence Viewers, Assignment by. The fee of the city clerk for recording an assignment by fence viewers under section 6 of chapter 49 of the General Laws shall be \$1.00.

(106) Ferris Wheel License. The fee for a license granted by the mayor under section 186 of chapter 140 of the General Laws to establish, keep open and maintain a Ferris wheel at a carnival shall be \$10.00 for each day on which such license may be exercised, except that in the case of a Ferris wheel exclusively for children under thirteen years of age, such fee shall be \$3.00 for each such day. The fee for a license so granted to establish, keep open and maintain a Ferris wheel other than at a carnival shall be \$15.00 for each monthly period in which such license may be exercised, except that in the case of a Ferris wheel exclusively for children under thirteen years of age, such fee shall be \$5.00 for each such monthly period.

(107) Fibres, Permit to Handle and Store Combustible. The fee for an annual permit granted by the chief of the fire department under section 5.02 of the Boston Fire Prevention Code to store or handle in excess of one hundred cubic feet of combustible fibres shall be a primary fee of \$10.00 and an additional fee of \$2.00 for each hundred thousand cubic feet thereof. The fee for a permit granted as aforesaid for any period other than a year shall be, for each calendar month in which such permit may be exercised, one twelfth of the fee for an annual permit.

(108) Financing Statement under Uniform Commercial Code. The fee of the city clerk for accepting and holding pursuant to part 4 of article 9 of chapter 106 of the General Laws a financing statement (including a financing statement disclosing an assignment in accordance with subsection (1) of section 9-405 of said chapter 106), marking and indexing the same under subsection (4) of section 9-403 of said chapter 106, and, if requested, making notations on, and sending or delivering, a copy thereof in accordance with subsection (1) of section 9-407 of said chapter 106 shall be \$5.00.

(109) Financing Statement under Uniform Code, Amendment of. The fee of the city clerk for accepting and holding pursuant to part 4 of article 9 of chapter 106 of the General Laws an amendment of a financing statement or of a continuation statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing or continuation statement which it amends, and, if requested, making notations on, and sending or delivering, a copy of such amendment in accordance with subsection (1) of section 9-407 of said chapter 106 shall be \$5.00.

(110) Financing Statement under Uniform Commercial Code, Assignment of. The fee of the city clerk for accepting and holding pursuant to part 4 of article 9 of chapter 106 of the General Laws an assignment, or a statement of assignment, of a financing statement not included in, nor on the face or back of, such financing statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing statement to which such assignment or statement to which such assignment or statement thereof relates, and, if requested, making notations on, and sending or delivering, a copy of such assignment or statement thereof in accordance with subsection (1) of section 9-407 of said chapter 106 shall be \$5.00.

(111) Financing Statement under Uniform Commercial Code, Continuation of. The fee of the city clerk for accepting and holding pursuant to part 4 of article 9 of chapter 106 of the General Laws a continuation statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing statement which it continues, and, if requested, making notations on, and sending or delivering, a copy of such continuation statement in accordance with subsection (1) of section 9-407 of said chapter 106 shall be \$5.00.



(112) Financing Statement under Uniform Commercial Code, Release of Collateral under. The fee of the city clerk for accepting and holding pursuant to part 4 of article 9 of chapter 106 of the General Laws a statement of release of all or a part of collateral described in a filed financing statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing statement to which it relates, and, if requested, making notations on, and sending or delivering, a copy of such statement of release in accordance with subsection (1) of section 9-407 of said chapter 106 shall be \$5.00.

(113) Financing Statement under Uniform Commercial Code, Termination of. The fee of the city clerk for accepting and holding pursuant to part 4 of article 9 of chapter 106 of the General Laws a termination statement, marking it with the day and hour it is filed, noting it on the index of the financing statement to which it relates, removing from the files, marking "terminated" and sending or delivering to the secured party such financing statement and any assignment or statement of assignment or continuation statement or statement of release pertaining thereto, and, if requested making notations on, and sending or delivering, a copy of such termination statement in accordance with subsection (1) of section 9-407 of said chapter 106 shall be \$2.00.

(114) Financing Statement and Related Documents under Uniform Commercial Code, Certificate of. The fee of the city clerk for issuing a certificate under subsection (2) of section 9-407 of chapter 106 of the General Laws shall be \$5.00.

(115) Financing Statement and Related Documents under Uniform Commercial Code, Copies of. The fee of the city clerk for furnishing a copy of a financing statement, an assignment or statement of assignment, a continuation statement, a statement of release, or a termination statement filed with him under part 4 of article 9 of chapter 106 of the General Laws shall be a primary fee of \$2.00, and in the case of a statement or assignment consisting of more than three pages, an additional fee of \$1.00 for the fourth and each succeeding page.

(116) Fire (Large) in Open Air, Permit for. The fee for a permit granted by the fire commissioner under chapter 355 of the acts of 1943 to set, maintain or increase a fire or fires in the open air other than in an incinerator shall, except in the case of a permit coming within clause (117) or (118) of this section, be \$15.00 for the first monthly period and \$5.00 for each additional monthly period in which it may be exercised; provided, that there shall be no fee for a permit granted as aforesaid to set, maintain or increase a fire or fires in connection with a patriotic or public celebration.

(117) Fire (Small or Torch) in Open Air, Permit for. The fee for a permit granted by the fire commissioner under chapter 355 of the acts of 1943 to set, maintain or increase in the open air a flame or flames in connection with one or more appliances or devices using or producing flame or a fire or fires not exceeding four square feet in area each shall be \$2.50 for each monthly period in which such permit may be exercised; provided, that if such permit limits such flame or flames or such fire or fires to a single estate, the fee for such permit shall be \$1.00 for each such period.

(118) Fire in Open Air for Burning Leaves, etc., Permit for. There shall be no fee for a permit granted by the fire commissioner under chapter 355 of the acts of 1943 to set, maintain or increase a fire or fires in the open air if such permit limits all fires thereunder to a single estate and to the burning of leaves, grass and brush from such estate and restricts each fire thereunder to four square feet in area.

(119) Fire Fighting Exhibition License. The fee for a license granted by the mayor under section 186 of chapter 140 of the General Laws to establish, keep open and maintain an outdoor exhibition of fire fighting for the amusement of the public shall be \$25.00 for each day on which such license may be exercised.

(120) Firearms, License to Carry or Possess. The fee for a license to carry firearms in the commonwealth or to possess therein a machine gun granted by the police commissioner under section 131 of chapter 140 of the General Laws shall be \$5.00.

(121) Firearms, Permit to Purchase, Rent or Lease. The fee for a permit to purchase, rent or lease a firearm granted by the police commissioner under section 131A of chapter 140 of the General Laws shall be \$5.00.

(122) Firearms, License to Sell, Rent or Lease. The fee for a license to sell, rent or lease firearms, rifles, shotguns or machine guns granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be \$35.00.

(123) Fireworks Bond. The fee of the city clerk for receiving and filing a bond given under section 40 of chapter 148 of the General Laws and conditioned upon the payment of any judgment for loss, damage or injury resulting from the storage or manufacture of fireworks shall be \$1.00.

(124) Fireworks Display Permit. The fee for a permit granted by the head of the fire department under section 10A of chapter 148 of the General Laws for a supervised display of fireworks shall be \$5.00.

(125) Fishing License. The fee for a fishing license issued by the city clerk under chapter 131 of the General Laws shall be as prescribed by section 11 of said chapter 131.

(126) Flammable Materials, Permit for. The fee for a permit granted by the head of the fire department under section 10A or section 23 of chapter 148 of the General Laws to keep, store or use one or more flammable fluids, solids or gases shall be, if such permit is granted for a period of twelve months, one half of the fee which would be payable under clause (128) of this section for a license granted under section 13 of said chapter 148 for the keeping, storage or use of such fluids, solids or gases, and if such permit is granted for any other period, for each calendar month in which such permit may be exercised, one twenty-fourth of the fee which would be so payable for such a license; provided, that the fee for a permit granted as aforesaid solely for the keeping, storage and use of not exceeding one thousand gallons of light fuel oil, and also the fee for a permit so granted solely for the keeping, storage and use of not exceeding two thousand gallons of liquefied petroleum gas, shall severally be: -- if granted for a period of twenty-four months, \$2.00; if granted for a period of less than twenty-four, but more than eighteen, months, \$1.75; if granted for a period of eighteen months, \$1.50; if granted for a period of less than eighteen, but more than twelve, months, \$1.25; if granted for a period of twelve months, \$1.00; if granted for a period less than twelve, but more than six, months, \$.75; if granted for a period of six months, \$.50; and if granted for a period less than six months, \$.25.

(127) Flammable Materials, Permit to Spray or Dip Utilizing. The fee for a permit granted by the chief of the fire department under section 12.02 of the Boston Fire Prevention Code to spray



or dip utilizing flammable or combustible liquids shall be \$1.00 for each calendar month in which such permit may be exercised.

(128) Flammable and/or Explosive Materials, License for. The fee for a license granted under section 13 of chapter 148 of the General Laws by the committee on licenses in the public safety commission to use land for the keeping, storage, manufacture or sale of one or more of the articles named in section 9 of said chapter 148 shall be a primary fee of \$20.00 and an additional fee equal, in the case of fluids, to \$6.00 for each thousand of the first ten thousand gallons thereof, \$3.00 for each thousand of the next ninety thousand gallons thereof, \$3.00 for each ten thousand of the next four million nine hundred thousand gallons thereof, and \$3.00 for each one hundred thousand gallons thereof in excess of five million gallons and equal, in the case of solids and gases, to \$4.00 for each hundred of the first ten hundred cubic feet thereof, \$2.00 for each thousand of the next four hundred ninety-nine thousand cubic feet thereof, and \$2.00 for each ten thousand cubic feet thereof in excess of five hundred thousand cubic feet; provided, that the fee for a license granted as aforesaid which relates exclusively to all or part of an estate owned or occupied by the same person or persons for the whole or a part or parts of which a license or licenses held by such person or persons are in force under said section 13 shall be a primary fee of \$20.00 and an additional fee equal to the amount by which the additional fee which would be payable under this clause for a license granted under said section 13 to use such estate for the aggregate authorized by such licenses would be increased by the inclusion of the new license.

(129) Flammable and/or Explosive Materials, Recording of License for. The fee of the city clerk for recording a license granted under section 13 of chapter 148 of the General Laws by the committee on licenses in the public safety commission shall be \$1.00 for each page or part thereof.

(130) Flammable and/or Explosive Materials, Annual Registration of License for. The fee of the fire commissioner for receiving under section 13 of chapter 148 of the General Laws a certificate of registration setting forth the name and address of the holder of a license granted under said section 13 or corresponding provisions of earlier law shall be one half of the fee which would have been payable for such license if clause (128) of this section had then been in force; provided, that where two or more such licenses are held by the same person or persons and relate to one estate owned or occupied by such person or persons, although no two of such licenses relate to the same part of said estate and none of them to the whole of said estate, the fee of the fire commissioner for receiving under said section 13 a certificate of registration setting forth the name and address of the holder of such licenses shall be one half of the fee which would be payable under clause (128) of this section for a license granted under said section 13 to use such estate for the aggregate authorized by such licenses.

(131) Flammable and/or Explosive Materials, Annual Registration of Unlicensed but Lawful Use of Land for. The fee of the fire commissioner for receiving pursuant to section 2 of chapter 394 of the acts of 1936 from the owner or occupant of a building or other structure lawfully used for any of the purposes specified in section 13 of chapter 148 of the General Laws without a license a certificate reciting such use shall be one half of the fee which would be payable under clause (128) of this section for a license granted under said section 13 for such use.

(132) Flashpoint Determination. The charge to be paid for a determination by the testing laboratory in the fire department of the flashpoint of any flammable fluid or solid shall be \$3.00.

(133) Flour Mill, Permit to Operate. The fee for a permit granted by the chief of the fire department under section 6.02 of the Boston Fire Prevention Code to operate a flour mill shall be \$2.00 for each calendar month in which such permit may be exercised.



(133A) Fortune Teller's License. The fee for a fortune teller's license granted by the licensing board under section 185I of chapter 140 of the General Laws shall be \$100.00.

(134) Frozen Desserts, License to Manufacture for Sale at Retail. The fee for a license granted by the board of health and hospitals under section 65I of chapter 94 of the General Laws to manufacture frozen desserts and frozen dessert mix, or either, for sale at retail shall be \$5.00 for each premises specified in the license.

(135) Frozen Desserts, License to Manufacture for Sale at Wholesale. The fee for a license granted by the board of health and hospitals under section 65I of chapter 94 of the General Laws to manufacture frozen desserts and frozen dessert mix, or either, for sale at wholesale shall be, for the manufacture of not more than twenty-five thousand gallons, \$25.00; for the manufacture of more than twenty-five thousand, but not more than one hundred thousand, gallons, \$50.00; for the manufacture of more than one hundred thousand, but not more than two hundred and fifty thousand, gallons, \$100.00; for the manufacture of more than two hundred and fifty thousand, but not more than five hundred thousand, gallons, \$150.00; and for the manufacture of more than five hundred thousand gallons, \$200.00.

(136) Frozen Desserts, Permit to Have for Sale. The fee for a permit to have frozen desserts and frozen dessert mix, or either, in custody or possession with intent to sell or to offer or expose for sale or to deliver in the city granted by the board of health and hospitals under a regulation made by such board under section 65Q of chapter 94 of the General Laws shall be \$1.00.

(137) Fuel Oil Burner, Permit to Install or Alter. The fee for a permit granted by the head of the fire department under section 10A of chapter 148 of the General Laws for the installation or alteration of a fuel oil burner shall be, in the case of a power oil burner, \$3.00, and in the case of any other oil burner, \$1.00.

(138) Fumigation, Permit to Engage in Business of. The fee for a permit granted by the chief of the fire department under section 14.03 of the Boston Fire Prevention Code to engage in the business of fumigation and/or thermal insecticidal fogging shall be \$2.00 for each calendar month in which such permit may be exercised.

(139) Fumigation of Certain Buildings, Permit for. The fee for a permit granted by the head of the fire department under section 10A of chapter 148 of the General Laws to fumigate a warehouse, factory or commercial building by the use of a volatile inflammable liquid or a material requiring flame shall be \$3.00.

(140) Fumigation Room, Permit for. The fee for a permit granted by the chief of the fire department under section 14.03 of the Boston Fire Prevention Code to maintain a fumigation room, vault or chamber shall be \$1.00 for each calendar month in which such permit may be exercised.

(141) Funeral Director's License. The fee for a license to act as a funeral director in Boston granted by the board of health and hospitals under section 49 of chapter 114 of the General Laws shall be \$30.00.

(142) Garage Permits. The fees for a permit granted by the committee on licenses in the public safety commission under chapter 577 of the acts of 1913, as amended, to erect or maintain a

garage for the storage, keeping or care of motor vehicles (including a lubritorium or repair shop) shall be a primary fee of \$50.00 and an additional fee equal to \$5.00 for each inspection, repair, lubricating or wash-stand bay thereof and \$1.00 for each of the first hundred parking spaces therein and \$25.00 for each hundred additional parking spaces therein; provided that the fees for a permit so granted to erect or maintain a private garage for the storage or keeping of automobiles only shall be a primary fee of \$15.00 and an additional fee of \$1.00 for each bay thereof, except that the total fee for a permit so granted to erect or maintain as an appurtenance to a dwelling a garage for the storage or keeping of not more than two automobiles shall be \$5.00. In determining the fees hereinbefore prescribed for a permit granted as aforesaid, a group of individual garages constituting one estate shall be considered as one garage.

(143) Garbage, etc., Permit to Transport. The fee for a permit to remove or transport garbage, offal or other offensive substances through the streets of the city granted by the board of health and hospitals under section 31A of chapter 111 of the General Laws shall be \$25.00 for each vehicle used in such removal and transportation.

(144) Gases. See Flammable Materials, also Liquefied Petroleum Gas Equipment.

(145) Gasfitting Installation, Alteration or Repair Permit. The fees of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to install, alter or substantially repair gasfitting shall be a primary fee of \$2.00 and an additional fee of \$.50 for each appliance or fixture to be installed, altered or substantially repaired thereunder.

(146) Gasfitter's Licenses. The fee for master gasfitter's license granted by the board of examiners of gasfitters under section 121 of the Boston Building Code, shall be, in the case of an original license and of a renewal license in connection with which a reexamination is required, \$10.00, and in the case of any other renewal license, \$3.00; and the fee for a journeyman gasfitter's license so granted shall be, in the case of an original license and of a renewal license in connection with which a reexamination is required, \$5.00, and in the case of any other renewal license, \$1.00.

(147) Gasoline Tank, Permit to Remove or Relocate. The fee for a permit granted by the head of the fire department under section 38A of chapter 148 of the General Laws to remove or relocate an underground tank which has been used for the keeping or storage of gasoline shall be \$3.00 for each tank.

(148) Goats, Permit to Keep. The fee for an annual permit to keep goats granted by the board of health and hospitals under Title 14 §253 of these ordinances shall be \$3.00 for each goat.

(149) Golf Course, Franklin Park. The fee for a license from the parks and recreation commission permitting the licensee to use throughout the year for which it is given the Franklin Park golf course for the playing of golf shall be, in the case of a person resident in the city, \$50.00 and, in the case of any other person, \$100.00; provided that such a license shall be issued without charge to any person sixty-five years of age or over holding such a license in each of the five years immediately preceding the year in which he attains age sixty-five. The fee for the use of such golf course for the playing of golf by a person without such a license shall be, on a Saturday, Sunday or legal holiday, \$2.50 in the case of a person resident in the city and \$3.50 in the case of any other person and, on any day other than a Saturday, Sunday or legal holiday,



\$2.00 in the case of a person resident in the city and \$2.50 in the case of any other person; provided, that the fee for such use of such golf course by any person commencing to play after 5:00 P.M. on any day other than a Saturday, Sunday or legal holiday shall be \$1.50. The charge to be paid to the parks and recreation department for the use of a turkish towel furnished by said department at said golf course shall be \$.15.

(150) Golf Course, George Wright. The fee for a license from the parks and recreation commission permitting the licensee to use throughout the year for which it is given the George Wright golf course for the playing of golf shall be, in the case of a person resident in the city, \$75.00 and, in the case of any other person, \$150.00, and in addition thereto in each case a locker fee of \$5.00; provided that such a license shall be issued without charge to any person sixty-five years of age or over holding such a license in each of the five years immediately preceding the year in which he attains age sixty-five. The fee for the use of such golf course for the playing of golf by a person without such a license shall be, on a Saturday, Sunday or legal holiday, \$3.00 in the case of a person resident in the city and \$6.00 in the case of any other person and, on any day other than a Saturday, Sunday or legal holiday, \$2.50 in the case of a person resident in the city and \$3.00 in the case of any other person. The charge to be paid to the parks and recreation department for the use of a turkish towel furnished by said department at said golf course shall be \$.15.

(151) Golf Course Clubhouse, Use of George Wright. The charge to be paid for the use of the clubhouse at the George Wright golf course for a social, civic or similar event shall be \$50.00.

(152) Grain Elevator Permit. The fee for a permit granted by the chief of the fire department under section 6.02 of the Boston Fire Prevention Code to operate a grain elevator shall be \$2.00 for each calendar month in which such permit may be exercised.

(153) Gravel Removal Permit. The fee for a permit granted by the building commissioner under chapter 204 of the acts of 1945 to excavate land to a depth of more than five feet for the purposes of obtaining and removing sand, gravel or loam shall be \$5.00.

(154) Gunsmith's License. The fee for a license to be in business as a gunsmith granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent or lease firearms, rifles, shotguns or machines guns, \$15.00, and in the case of any other person, \$50.00.

(155) Habitation, Permit for Hazardous Operation or Storage in or near Place of. The fee for a permit granted by the chief of the fire department under section 16.02 of the Boston Fire Prevention Code for a hazardous operation or storage in or near a building used for habitation shall be \$1.00 for each calendar month in which such permit may be exercised.

(156) Hackney Carriage License. The fee for a license granted by the police commissioner under chapter 392 of the acts of 1930 to set up and use a vehicle as a hackney carriage shall be \$10.00 for each vehicle. The fee for every amendment of any such license shall likewise be \$10.00 for each vehicle, except that, in cases where the amendment results solely from the substitution of one vehicle for another, the fee therefor shall be \$1.00 for each vehicle.

(157) Hackney Carriage Driver's License. The fee for a license granted by the police commissioner under chapter 392 of the acts of 1930 to drive or have charge of a hackney carriage shall be \$2.00.



(158) Halls, etc., in Municipally Owned Buildings, Use of. The charge to be paid for the exclusive use on a weekday of a hall with a seating capacity of less than five hundred in a municipally owned building other than a library or school shall be \$30.00, except that the charge for such a use ceasing before 6:00 P.M. shall be \$15.00 and the charge for such a use commencing after 5:00 P.M. shall be \$25.00; and the charge to be paid for the exclusive use of such a hall on a Sunday or legal holiday shall be \$40.00, except that the charge for such a use ceasing before 6:00 P.M. shall be \$25.00 and the charge for such a use commencing after 5:00 P.M. shall likewise be \$25.00. The charge to be paid for the exclusive use on a weekday of a hall with a seating capacity of five hundred or more but less than one thousand in a municipally owned building other than a library or school shall be \$50.00, except that the charge for such a use ceasing before 6:00 P.M. shall be \$25.00 and the charge for such a use commencing after 5:00 P.M. shall be \$35.00; and the charge to be paid for the exclusive use of such a hall on a Sunday or legal holiday shall be \$60.00, except that the charge for such a use ceasing before 6:00 P.M. shall be \$35.00 and the charge for such a use commencing after 5:00 P.M. shall likewise be \$35.00. The charge to be paid for the exclusive use on a weekday of a hall with a seating capacity of one thousand or more in a municipally owned building other than a library or school shall be \$70.00, except that the charge for such a use ceasing before 6:00 P.M. shall be \$35.00 and the charge for such a use commencing after 5:00 P.M. shall be \$45.00; and the charge to be paid for the exclusive use of such a hall on a Sunday or legal holiday shall be \$80.00, except that the charge for such a use ceasing before 6:00 P.M. shall be \$45.00 and the charge for such a use commencing after 5:00 P.M. shall likewise be \$45.00. The word "hall" as used in this clause, shall not be construed to include the municipal auditorium or any part thereof, but shall be construed to include a gymnasium with seating accommodations.

(159) Hamburg. See Sausages and Chopped Meat.

(160) Handcart Licenses. See Wagon and Handcart Licenses.

(161) Hawker's or Peddler's License. The fee for an annual hawker's or peddler's license granted by the board of health and hospitals under Title 14 §269 of these ordinances shall be, if sales within the market limits are authorized, \$10.00, otherwise \$5.00.

(162) Hawker's or Peddler's Number Plates. The fee of the board of health and hospitals for assigning under Title 14 §269 of these ordinances a number to a person hawking or peddling any of the articles enumerated in section 17 of chapter 101 of the General Laws shall be \$2.00.

(163) Repealed by Ord. 1968 c. 14 §11.

(164) Heating Installation Permit. The fee of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to install a steam boiler, furnace, heater or other heat-producing apparatus the installation of which is regulated by the Boston Building Code shall be \$2.00 for each boiler, furnace, heater or other heat-producing apparatus.

(165) Hens. See Poultry.

(166) Repealed by Ord. 1968 c. 7 §6.

(167) Repealed by Ord. 1968 c. 14 §11.

- (168) Repealed by Ord. 1968 c. 14 §11.
- (168A) Repealed by Ord. 1968 c. 14 §11.
- (168B) Repealed by Ord. 1968 c. 14 §11.
- (169) Repealed by Ord. 1968 c. 14 §11.
- (170) Repealed by Ord. 1968 c. 14 §11.
- (171) Repealed by Ord. 1968 c. 14 §11.
- (172) Repealed by Ord. 1968 c. 14 §11.
- (173) Repealed by Ord. 1968 c. 14 §11.
- (174) Repealed by Ord. 1968 c. 14 §11.
- (175) Repealed by Ord. 1968 c. 14 §11.
- (176) Repealed by Ord. 1968 c. 14 §11.
- (177) Repealed by Ord. 1968 c. 14 §11.
- (178) Repealed by Ord. 1968 c. 14 §11.
- (178A) Repealed by Ord. 1968 c. 14 §11.
- (178B) Repealed by Ord. 1968 c. 14 §11.
- (179) Repealed by Ord. 1968 c. 14 §11.
- (180) Repealed by Ord. 1968 c. 14 §11.
- (180A) Repealed by Ord. 1968 c. 14 §11.
- (181) Repealed by Ord. 1968 c. 14 §11.
- (182) Hunting License. The fee for a hunting license issued by the city clerk under chapter 131 of the General Laws shall be as prescribed by section 11 of said chapter 131.
- (183) Hydrant Disconnection. See Sprinkler System Disconnection.
- (184) Ice Cream. See Frozen Desserts.
- (185) Incinerator, Assignment of Place for Refuse Disposal. The fee for the assignment by the board of health and hospitals under section 150A of chapter 111 of the General Laws of a place as a site for a refuse disposal incinerator shall be \$100.00.

(186) Incinerator Permit. The fee for a permit granted by the fire commissioner under chapter 355 of the acts of 1943 to set, maintain or increase fires in an incinerator in the open shall be \$2.00 for each calendar month in which such permit may be exercised; and the fee for a permit granted by the chief of the fire department under section 17.04 of the Boston Fire Prevention Code to fire an incinerator not in the open shall likewise be \$2.00 for each calendar month in which such permit may be exercised; provided, that when either such permit is granted solely for an incinerator for the purpose of burning rubbish from households on the estate on which it is located, the fee therefor shall be: - if granted for a period of twenty-four months, \$4.00; if granted for a period of less than twenty-four, but more than eighteen, months, \$3.50; if granted for a period of eighteen months, \$3.00; if granted for a period of less than eighteen, but more than twelve, months, \$2.50; if granted for a period of twelve months, \$2.00; if granted for a period less than twelve, but more than six, months, \$1.50; if granted for a period of six months, \$1.00; and if granted for a period of less than six months, \$.50.

(187) Inflammables. See Flammable and/or Explosive Materials.

(188) Innholder's License. The fee for an innholder's license granted by the licensing board under section 2 of chapter 140 of the General Laws shall be \$100.00.

(189) Intelligence Office License. The fee for a license to establish or keep an intelligence office granted by the licensing board under section 42 of chapter 140 of the General Laws shall be, in the case of a business employment bureau, \$50.00, in the case of a domestics and laborers employment bureau, \$25.00, and in the case of an intelligence office furnishing its services without charge to employer or employee, \$2.00.

(190) Jitney License. The fee for a license granted by the city council, with the approval of the mayor, under section 1 of chapter 159A of the General Laws to operate a motor vehicle upon a public way for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini shall be \$25.00; and the fee for an amendment of any such license shall be \$10.00.

(191) Junk Collector's License. The fee for an annual junk collector's license granted by the police commissioner under Title 14 §400 of these ordinances shall be \$18.00.

(192) Junk Shopkeeper's License. The fee for an annual junk shopkeeper's license granted by the police commissioner under Title 14 §400 of these ordinances shall be \$100.00.

(193) Junk Yard Permit. The fee for a permit granted by the chief of the fire department under section 3.02 of the Boston Fire Prevention Code to conduct or maintain a junk yard shall be \$2.00 for each calendar month in which such permit may be exercised.

(194) Kennel License. The fee for a kennel license granted by the police commissioner under section 137A of chapter 140 of the General Laws shall be \$10.00 if four dogs or less are kept in the kennel, \$25.00 if more than four, but not more than ten, dogs are kept in the kennel, and \$50.00 if more than ten dogs are kept in the kennel; except that a kennel license shall be issued without charge to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals. Dogs under the age of three months shall not be counted in determining the fee for a kennel license.



(195) Kennel Transfer License. The fee for the issuance under section 137A of chapter 140 of the General Laws of a new license in the case of the removal of a kennel to Boston shall be \$3.00.

(196) L Street Solarium. The fee for the use of either solarium at the L Street Bathhouse on any day shall be \$.25 for any two hours or fraction thereof, which fee shall include a half-ounce piece of soap and the use of a locker and of a turkish towel furnished by the parks and recreation department.

(197) Labor, Claim for. See Public Buildings and Works or Railroads and Railways.

(198) Repealed by Ord. 1966 c. 6.

(199) Liquefied Petroleum Gas Equipment Permit. The fee for a permit granted by the head of the fire department under section 10A of chapter 148 of the General Laws to install or connect liquefied petroleum gas equipment shall be \$1.00.

(200) Loading Zone Designation. The fee for the annual designation of a loading zone by the commissioner of traffic and parking under section 2A of chapter 263 of the acts of 1929 shall be \$2.00 for each foot of curbing abutting on said zone, but in no event less than \$40.00; and the charge to be paid for the erection by such commissioner upon the request of the applicant for such designation of a sign in connection with such designation shall be \$25.00, which shall include maintenance for five years.

(201) Locations. See Public Utility Locations.

(202) Lodging House License. The fee for a lodging house license granted by the licensing board under section 23 of chapter 140 of the General Laws shall be, in the case of a lodging house having less than ten rooms let or adapted for letting to lodgers, \$10.00, and in the case of a lodging house having ten or more, but less than twenty, such rooms, \$20.00, and in the case of all other lodging houses, \$45.00.

(203) Lumber Yard Permit. The fee for a permit granted by the chief of the fire department under section 18.01 of the Boston Fire Prevention Code to store in excess of one hundred thousand board feet of lumber shall be \$2.00 for each calendar month in which such permit may be exercised.

(204) Lunch Cart License. The fee for an annual license to maintain a vehicle for the sale of food in a public way granted by the commissioner of public works and the police commissioner under section 49 of chapter 140 of the General Laws shall be \$120.00.

(205) Magnesium, Permit to Process. The fee for a permit granted by the chief of the fire department under section 19.03 of the Boston Fire Prevention Code to melt, cast, heat treat, machine and grind more than ten pounds of magnesium per working day or to do any one or more said things shall be \$2.00 for each calendar month in which such permit may be exercised.

(206) Manure, Permit for Removal of. The fee for an annual permit for the removal of manure granted by the board of health and hospitals under section 6 of chapter 29 of these ordinances shall be \$3.00.

(207) Marriage License. The fee of the city registrar for entering notice of intention of marriage and issuing certificate thereof shall be that prescribed by clause 42 of section 34 of chapter 262 of the General Laws.

(208) Marriages. See Births, Marriages and Deaths.

(209) Marriages Solemnized outside Massachusetts, Recording of. The fee of the city registrar for receiving under section 36 of chapter 207 of the General Laws a certificate or declaration of marriage solemnized outside Massachusetts shall be \$2.00.

(210) Married Woman's Separate Business Certificate. The fee of the city clerk for recording under section 11 of chapter 209 of the General Laws a certificate of a married woman who does or proposes to do business on her separate account shall be \$1.00.

(211) Massage License. The fee for an annual license to practice massage granted by the board of health and hospitals under section 51 of chapter 140 of the General Laws shall be \$25.00.

(212) Matches, Permit to Manufacture. The fee for a permit granted by the chief of the fire department under section 20.01 of the Boston Fire Prevention Code to manufacture matches shall be \$2.00 for each calendar month in which such permit may be exercised.

(213) Matches, Permit to Store. The fee for a permit granted by the chief of the fire department under section 20.01 of the Boston Fire Prevention Code to store in excess of 864,000 matches shall be \$1.00 for each calendar month in which such permit may be exercised.

(214) Materials, Claims for. See Public Buildings and Works or Railroads and Railways.

(215) Milk License. The fee for a license granted by the inspector of milk under section 41 of chapter 94 of the General Laws to deliver, exchange, expose for sale or sell, or have in custody or possession with intent so to do, milk, skimmed milk or cream shall be \$1.00 for each premises and \$3.00 for each vehicle to be used under such license.

(216) Milk Dispenser Permit. The fee for a permit to serve milk from a dispenser at an establishment where food or drink is or may be served granted by the board of health and hospitals under a regulation made by such board under section 31 of chapter 111 of the General Laws shall be \$1.00.

(217) Milk Pasteurization Plant License. The fee for a license granted by the board of health and hospitals under section 48A of chapter 94 of the General Laws for the maintenance of an establishment for the pasteurization of milk shall be \$25.00.

(218) Repealed by Ord. 1967 c. 7.

(219) Minor's Badge, etc. The fee for a minor's badge, whether issued by the city clerk under Title 14 §415 of these ordinances or by the superintendent of schools (or a person authorized by him in writing) under section 70 of chapter 149 of the General Laws or under regulations made by the school committee pursuant to section 19 of chapter 101 of the General Laws, shall be \$.25; but no fee shall be charged for a minor's license under said section 16 or for an employment permit or educational certificate issued under any provision of said chapter 149.



- (220) Mortgages. See Personal Property Mortgages, etc., also Real Estate Tax Payment Certificate.
- (221) Motel, etc., License for. The fee for a license granted by the board of health and hospitals under section 32B of chapter 140 of the General Laws for a recreational camp or an overnight camp or cabin or a motel shall be, in the case of an original license, \$50.00 plus the cost of publishing the notice of hearing, and, in the case of a renewal license, \$25.00.
- (222) Motor Carriers. See Jitney License.
- (223) Moving Pictures, Permit for Special Exhibition of. The fee for a permit granted by the mayor under section 1 of chapter 280 of the acts of 1913 for a special exhibition of moving pictures shall be \$3.00.
- (224) Municipal Lien Certificate. The fee for a certificate of taxes and other assessments, including water rates and charges, constituting liens on a parcel of real estate, furnished by the collector-treasurer under section 23 of chapter 60 of the General Laws shall be \$6.00.
- (225) Musicians, Band or Group of Itinerant. The fee for an itinerant musicians' license granted by the police commissioner under Title 14 §308 of these ordinances for a band or group of musicians shall be \$2.00, except that, in cases where such a license is granted for a period longer than one month, the fee therefor shall be \$2.00 for each monthly period for which it is granted.
- (266) Musicians, Individual Itinerant. The fee for an annual itinerant musician's license granted an individual musician by the police commissioner under Title 14 §308 of these ordinances shall be \$10.00.
- (227) Musicians. See also Sound Trucks.
- (228) Newsboys on Common. The fee for an annual permit granted by the mayor under Title 14 §341 of these ordinances to sell newspapers on the Common shall be \$1.00.
- (229) Nitrocellulose, Permit for Outdoor Storage of. The fee for a permit granted by the head of the fire department under section 10A of chapter 148 of the General Laws for the outdoor storage of nitrocellulose shall be \$5.00 for each calendar month in which such permit may be exercised.
- (230) Non-Resident of Commonwealth Doing Business in City, Certificate and Statement of. The fee of the city clerk for receiving and filing a certificate and statement under section 5A of chapter 227 of the General Laws shall be \$15.00.
- (231) Offensive Trade, Assignment of Location for. The fee for the assignment by the board of health and hospitals under section 143 of chapter 111 of the General Laws of a location for the exercise of a trade or employment referred to in said section 143 shall be \$100.00.
- (232) Offensive Trade, Permit to Occupy or Use Building for. The fee for a permit from the mayor and city council under section 151 of chapter 111 of the General Laws to occupy or use a building for carrying on the business of slaughtering cattle, horses, mules, sheep or other animals, or for a melting or rendering establishment, or for other noxious or offensive trade or



occupation, or to permit or allow such a trade or occupation to be carried on upon premises owned or occupied by the permittee shall be \$100.00.

(233) Oil Burner. See Fuel Oil Burner.

(234) Oleomargarine, Registration of Sellers of. The fee for the registration by the inspector of milk under section 53 of chapter 94 of the General Laws of the name of a person proposing to sell or offer for sale oleomargarine in a store, booth, stand or market place and the address of the proposed place of sale shall be \$1.00 for each place of sale.

(235) Optometrist's Certificate. The fee of the city clerk for recording under section 70 of chapter 112 of the General Laws an optometrist's certificate of registration or for issuing thereunder a certified copy of such a certificate or for receiving and filing thereunder such a certified copy shall be \$1.00.

(236) Osteopath's Certificate. The fee of the city clerk for recording under section 8 of chapter 112 of the General Laws, by virtue of section 10 of said chapter, an osteopath's certificate of registration or, in a case where it is lost, the certified statement provided for by said section 8, shall be \$1.00.

(237) Oven, Permit to Operate Industrial Baking or Drying. The fee for a permit granted by the chief of the fire department under section 22.02 of the Boston Fire Prevention Code to operate one or more industrial baking or drying ovens shall be \$1.00 for each calendar month in which such permit may be exercised.

(238) Parking Space License. The fee for a license granted by the commissioner of traffic and parking under section 56 of chapter 148 of the General Laws to engage in the business of conducting or maintaining an open air parking space shall be a primary fee of \$15.00 and an additional fee for each calendar month in which such license may be exercised of \$.25 for each car space authorized under such license.

(239) Parkway Occupancy Permit for Building Construction, Repair, Demolition, etc. The fees of the parks and recreation commission for a permit to occupy or obstruct, in connection with the erection, alteration, repair, painting, cleaning, decorating, demolition or removal of a building or structure, a portion of a parkway or other way under the control of said commission shall be, for each monthly period in which such permit may be exercised, a primary fee of \$3.00 and an additional fee of \$1.00 for each ten square feet of such parkway or other way to be occupied or obstructed at any one time in such period.

(240) Parkway Occupancy Permit for Building Moving. The fee of the parks and recreation commission for a permit to move a building in a parkway or other way under its control shall be \$150.00 for the first day, and \$75.00 for each additional day, on which it may be exercised.

(241) Parkway Occupancy Permit for Canopy. The fee of the parks and recreation commission for a permit for the temporary projection of a cloth or canvas canopy over a parkway or other way under the control of said commission shall be \$3.00 for each day for which such permit is granted.

(242) Parkway Occupancy Permit for Roof Snow Removal. The fee of the parks and recreation

commission for an annual permit to occupy or obstruct from time to time a portion of a parkway or other way under the control of said commission for the purpose of removing snow or ice from the roof of a specified building or structure shall be \$3.00.

(243) Parkway Opening Permit. The fee of the parks and recreation commission for a permit to open a parkway or other way under the control of said commission or portion thereof shall be, in the case of an opening for the purpose of constructing a driveway, and also in the case of an opening for the purpose of entering a particular drain into a public sewer, \$5.00, and in the case of an opening for the purpose of constructing, reconstructing or repairing the roadways and sidewalks or either, \$1.00 for each hundred linear feet of opening as measured by the sideline of such parkway or other way but in no event less than \$1.00, and in the case of an opening for any other purpose, \$1.00 for each two hundred square feet of such parkway or other way to be opened but in no event less than \$1.00.

(244) Parkway Sidewalk Crossing Permit. The fee of the parks and recreation commission for an annual permit to drive a motor vehicle upon or across the sidewalk of a parkway or other way under the control of said commission for the purpose of delivering coal or other fuel to an estate shall be \$1.00 for each location.

(245) Pawnbroker's License. The fee for a pawnbroker's license granted by the police commissioner under section 70 of chapter 140 of the General Laws shall be that prescribed by section 77 of said chapter 140.

(246) Peddlers. See Hawkers and Peddlers.

(247) Personal Property in Pledge, Notice of Intention to Sell. The fee of the city clerk for recording under section 3 of chapter 255 of the General Laws a written notice of intention to enforce payment or performance by a sale of personal property in pledge, including affidavit of service of such notice, shall be \$1.50.

(248) Personal Property Mortgages, etc., Recording of. The fee of the city clerk for recording under chapter 255 of the General Laws a mortgage of personal property (including a mortgage given under section 7A of said chapter 255), a bill of sale of personal property given for security (including, when the condition for redemption of the property included in the bill of sale is in writing, such writing, and when such condition is oral, the written statement of such condition provided for by law), or any deed or conveyance, however called, by which personal property is conveyed to a creditor or title thereto retained by a seller as security for the payment of a debt or other obligation shall be \$1.00 for each page or part thereof, but in no event less than \$3.00.

(249) Personal Property Mortgages, etc., Assignment of. The fee of the city clerk for recording under section 3 of chapter 255 of the General Laws an assignment of a mortgage of personal property (including a mortgage given under section 7A of said chapter 255) or of a bill of sale of personal property given for security shall be \$1.00.

(250) Personal Property Mortgages, etc., Discharge of. The fee of the city clerk for recording under section 3 of chapter 255 of the General Laws a partial release, or a release or discharge, or a written acknowledgment of the satisfaction of the condition of redemption, of a mortgage

of personal property (including a mortgage given under section 7A of said chapter 255) or of a bill of sale given for security shall be \$1.00.

(251) Personal Property Mortgages, etc., Discharge on Margin of Record of. The fee of the city clerk for attesting under section 3 of chapter 255 of the General Laws an entry made by the holder of a mortgage of personal property (including a mortgage given under section 7A of said chapter 255) on the margin of the record of such mortgage in acknowledgment of the satisfaction thereof shall be \$1.00.

(252) Personal Property Mortgages, etc., Foreclosure of. The fee of the city clerk for recording under section 3 of chapter 255 of the General Laws a written notice of intention to foreclose a mortgage of personal property (including a mortgage given under section 7A of said chapter 255) or a bill of sale of personal property given for security, including affidavit of service of such notice, shall be \$1.50.

(253) Physician's Certificate. The fee of the city clerk for recording under section 8 of chapter 112 of the General Laws a physician's certificate of registration or, in a case where it is lost, the certified statement provided for by said section 8, shall be \$1.00.

(254) Piano. The charge to be paid for the furnishing of a spinet piano by the parks and recreation department shall be \$12.00 for delivering and picking up the same and \$3.00 for each day of use.

(255) Picnic Grove License. The fee for a license to establish, let, keep open and maintain a grove to be used for picnics or other lawful gatherings and amusements granted by the licensing board under section 188 of chapter 140 of the General Laws shall be \$25.00.

(256) Plastics, Permit to Manufacture or Handle. The fee for a permit granted by the chief of the fire department under section 15.10 of the Boston Fire Prevention Code to manufacture and/or handle plastics shall be \$2.00 for each calendar month in which such permit may be exercised.

(257) Pledge of Personal Property. See Personal Property in Pledge.

(258) Plumbing Installation, Alteration or Repair Permit. The fees of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to install, alter or substantially repair plumbing shall be a primary fee of \$5.00 in the case of a permit for the installation of a plumbing system or the alteration or substantial repair of the major portion of a plumbing system, and of \$2.00 in all other cases, and in every case an additional fee of \$.50 for each appliance or fixture to be installed, altered or substantially repaired; provided, that the total fee for receiving any such application shall in no case exceed \$300.00.

(259) Pool Room License. The fees for a license to keep a billiard, pool or sippio table for hire, gain or reward granted by the licensing board under section 177 of chapter 140 of the General Laws shall be a primary fee of \$5.00 and an additional fee of \$8.00 for each table.

(260) Poultry (Hens), Permit to Keep. The fee for an annual permit to keep hens granted by the board of health and hospitals under Title 14 §253 of these ordinances shall be a primary fee of \$5.00 and an additional fee of \$1.00 for each fifty hens.



(261) Poultry Slaughter House License. The fee for a license granted by the board of health and hospitals under section 139A of chapter 94 of the General Laws for the maintenance of an establishment for the slaughtering of poultry shall be \$100.00.

(262) Power of Attorney. The fee of the city clerk for recording under section 3 of chapter 255 of the Genral Laws a power of attorney shall be \$1.00.

(263) Proprietors of Common Property, Deposit of Records of. The fee of the city clerk for receiving records of the proprietors of common property deposited under section 15 of chapter 179 of the General Laws shall be \$5.00.

(264) Public Buildings and Works, Claim for Labor on. The fee of the city clerk for receiving and filing under section 28 of chapter 149 of the General Laws a sworn statement of claim made under said section 28 shall be \$1.00.

(265) Public Buildings and Works, Claim for Labor and/or Materials on. The fee of the city clerk for receiving and filing under section 29 of chapter 149 of the General Laws a sworn statement of claim made under said section 29 shall be \$1.00.

(266) Public Buildings and Works, Discharge of Claim for Labor and/or Materials on. The fee of the city clerk for receiving and filing a release, discharge or other written acknowledgment of satisfaction of a claim under section 28 or section 29 of chapter 149 of the General Laws shall be \$1.00.

(267) Public Records, Furnishing Copy of. Except as otherwise expressly provided by this section, the fee for the furnishing under section 10 of chapter 66 of the General Laws by any board or officer of the city a copy of a public record in his or its custody shall be \$.25 for each page or part thereof, not exceeding nine inches by fourteen inches, except that the fee for furnishing copies of plans and of records larger than nine inches by fourteen inches shall be \$1.00 for each sheet, page or part thereof.

(268) Public Utility, Condensed Return. The fee of the city clerk for receiving and filing under section 84A of chapter 164 of the General Laws or under section 12A of chapter 166 of the General Laws, a copy of a condensed return of business and financial condition shall be \$1.00.

(269) Public Utility Locations Granted by Building Commissioner. The fee of the city clerk for recording under section 22 of chapter 166 of the General Laws an attested copy of an order of the building commissioner granting under chapter 268 of the Special Acts of 1915 a location for underground wires, cables, conductors or conduits shall be \$5.00.

(270) Public Utility Locations Granted by Public Improvement Commission. The fee of the city clerk for recording under section 22 of chapter 166 of the General Laws an attested copy of an order of the public improvement commission granting a location or an alteration or transfer thereof or authorizing an increase in the number of wires or cables or attachments shall be \$5.00.

(271) Public Utility Locations Granted by D.P.U. The fee of the city clerk for recording under section 70A of chapter 164 of the General Laws an attested copy of an order of the state department of public utilities granting a location for a main for the transmission of gas, or for recording under section 28 of chapter 166 of the General Laws an attested copy of an order of said department granting a location for a line for the transmission of electricity, including in either case certificate by clerk of said department as to notice and hearing, shall be \$5.00.

(272) Public Utility Locations Granted by M.D.C. The fee of the city clerk for recording under section 46 of chapter 92 of the General Laws an attested copy of an order of the Metropolitan District Commission granting under sections 43 and 44 of said chapter, or altering, extending or revoking under section 45 of said chapter, a location, shall be \$5.00.

(273) Public Way, Certificate of Existence of. The fee of the city clerk for furnishing under section 79F of chapter 233 of the General Laws a certificate that a particular way is a public way as a matter of record shall be \$1.00.

(274) Public Works. See Public Buildings and Works.

(275) Pulverizing Plant Permit. The fee for a permit granted by the chief of the fire department under section 6.02 of the Boston Fire Prevention Code to operate a pulverizing plant shall be \$2.00 for each calendar month in which such permit may be exercised.

(276) Radioactive Material, Permit to Handle and Store. The fee for a permit granted by the chief of the fire department under section 15.03 of the Boston Fire Prevention Code to handle and store more than five hundred millicuries of radioactive material shall be \$1.00 for each calendar month in which such permit may be exercised.

(277) Railroads and Railways, Claim (for Labor) against. The fee of the city clerk for receiving and filing a sworn statement executed under section 99 of chapter 159 of the General Laws shall be \$1.00.

(278) Railroads and Railways, Claim (for Materials) against. The fee of the city clerk for receiving and filing under section 98 of chapter 159 of the General Laws a written notice of intention to claim a right of action under section 96 of said chapter against a railroad or railway shall be \$1.00.

(279) Real Estate Tax Payment Certificate. The fee for a certificate of the payment of a tax given by the collector-treasurer under section 60 of chapter 60 of the General Laws shall be \$1.00.

(280) Refuse, Incineration of. The charge to be paid the public works department for receiving refuse for incineration other than from an independent contractor acting for said department shall be \$.25 for each hundred pounds.

(281) Refuse, Removal of. The charge to be paid the public works department for removing refuse which by Title 11 §150 of these ordinances said department is authorized but not required to remove shall be \$.20 a barrel.

(282) Refuse, Permit to Transport. The fee for a permit to transport refuse matter through the streets of the city granted by the commissioner of public works under Title 14 §264 of these ordinances shall be \$25.00 for each vehicle used in such transportation.

(283) Registered Bonds, Issuance of. The fee of the collector-treasurer for issuing pursuant to sections 4,5, and 6 of chapter 107 of the General Laws a registered bond, promissory note or certificate of indebtedness of the city in exchange for any other bond, promissory note or certificate of indebtedness of the city shall be \$.50.



(283A) Registration of Certain Persons Bartering, Renting or Selling Printed Matter or Motion Picture Films Restricted to Adults. The fee of the city clerk for receiving and filing an application under Title 14 §424 of these ordinances and assigning a registration number to the applicant shall be \$5.00.

(284) Registration of Beverage Bottles. The fee of the city clerk for receiving and filing under section 17 of chapter 110 of the General Laws a description of the name used by a person engaged in manufacturing, bottling or selling beverages in vessels shall be \$1.00.

(285) Registration of Milk, Cream and Ice Cream Cans. The fee of the city clerk for receiving and filing under section 21 of chapter 110 of the General Laws a description of the name used by a person engaged in buying, selling or dealing in milk or cream in cans, or who uses cans, tubs, or cabinets in the sale, transportation or storage of frozen desserts and/or ice cream mix shall be \$1.00.

(286) Registration of Permission to Use Another's Name on Milk Bottles. The fee of the inspector of milk for registering under section 45 of chapter 94 of the General Laws written permission to use the name of another on, or on cap, tag or label attached to, milk vessels shall be \$1.00.

(287) Registration of Towels, Garments, Aprons and Linens. The fee of the city clerk for receiving and filing under section 25A of chapter 110 of the General Laws a description of the name used by a person engaged in the business of supplying or furnishing for hire or compensation on a rental or lease basis clean laundered garments, towels, aprons, bed linen or table linen shall be \$1.00.

(288) Rendering of Animals, License for. The fee for a license granted by the board of health and hospitals under section 154 of chapter 111 of the General Laws to engage in the business of killing horses or in the rendering of horses or other animals shall be \$10.00.

(289) Roller Coaster License. The fee for a license granted by the mayor under section 186 of chapter 140 of the General Laws to establish, keep open and maintain an inclined railway exclusively for children under thirteen years of age shall be, in the case of such an inclined railway at a carnival, \$3.00 for each day on which such license may be exercised, and in the case of such an inclined railway other than at a carnival \$5.00 for each monthly period in which such license may be exercised.

(290) Roller Skating Rink License. The fee for an annual license granted by the mayor under section 186 of chapter 140 of the General Laws to establish, keep open and maintain a skating rink to be used for roller skating shall be \$50.00.

(291) Sale of Article. Except as otherwise expressly provided in this ordinance, the charge to be paid a board or officer for furnishing an article in the exercise of the powers, or the performance of the duties, of such board or officer shall be such sum as such board or officer shall determine approximates the cost of furnishing such article.

(292) Sausages and Chopped Meat, License to Manufacture. The fee for an annual license granted by the board of health and hospitals pursuant to section 144 of chapter 94 of the General Laws to carry on an establishment for the manufacture of sausages and chopped meat, or either, shall be \$100.00.



(293) Second-Hand Dealer's License. The fee for an annual license to be a dealer in, or keeper of a shop for the purchase, sale or barter of second-hand articles granted by the police commissioner under Title 14 §400 of these ordinances shall be \$50.00.

(294) Second Hand Motor Vehicles. The fees for used car dealer's licenses, agent's or seller's licenses and motor vehicle junk licenses granted by the police commissioner under section 59 of chapter 140 of the General Laws shall be as respectively fixed by the police commissioner under said section 59.

(295) Sewer Entrance Permit. The fee for a permit granted by the commissioner of public works under Title 11 §159 of these ordinances to enter a particular drain into a public sewer shall be \$25.00.

(296) Shellfish Permits. The fee for every family use shellfish permit granted by the city council under Title 14 §273 of these ordinances shall be \$1.00; and the fee for every commercial use shellfish permit so granted shall be \$5.00.

(297) Shooting Gallery License. The fee for a shooting gallery license granted by the licensing board under section 56A of chapter 140 of the General Laws shall be \$50.00. The city clerk shall receive no fee for receiving and filing the bond provided for by said section 56A.

(298) Repealed by Ord. 1963 c. 1.

(299) Sidewalk Crossing Permit. The fee of the commissioner of public works for an annual permit to drive a motor vehicle upon or across the sidewalk at a specified location shall be, in the case of a motor vehicle other than a motor vehicle used (or designed for use) for business purposes, \$5.00 for each location, and in the case of a motor vehicle used (or designed for use) for business purposes, \$25.00 for each location; provided, that the fee of the commissioner of public works for an annual permit to drive a motor vehicle upon or across the sidewalk at a specified location for the purpose of delivering coal or other fuel to an estate shall be \$1.00 for each location.

(300) Sight-Seeing Automobiles. The fee for a license granted by the police commissioner under section 3 of chapter 399 of the acts of 1931 for a sight-seeing automobile shall be \$3.00 for each seating accommodation for a sightseer.

(301) Sight-Seeing Automobile Drivers. The fee for a sight-seeing automobile driver's license granted by the police commissioner under section 3 of chapter 399 of the acts of 1931 shall be \$4.00.

(302) Slaughtering License. The fees for a license granted by the board of health and hospitals under section 119 of chapter 94 of the General Laws to carry on the business of slaughtering neat cattle, horses, mules, sheep or swine shall be a primary fee of \$100.00, payable at the time of the issuance of the license, and the following additional fees, payable at the close of the last business day of each month during the term of the license; \$.05 for every calf, swine, sheep or goat slaughtered under the license during such month, and \$.15 for every other animal so slaughtered; provided, however, that no additional fee shall be required for any animal slaughtered under federal inspection.

(303) Soft Drink License. The fee for a license to keep open a place of business for the retail sale of soft drinks, so called, granted by the licensing board acting under section 21A of chapter 140 of the General Laws shall be \$3.00.

(304) Sound Trucks. The fee for an itinerant musician's license granted by the police commissioner under Title 14 §308 of these ordinances for a sound truck engaged in advertising goods, wares or merchandise for sale shall be \$2.00 for each day for which such license is granted.

(305) Special Police Officers. The fee of the police commissioner for appointing a person a special police officer under chapter 282 of the acts of 1898 shall be \$10.00.

(306) Sporting License. The fee for a sporting license issued by the city clerk under chapter 131 of the General Laws shall be as prescribed by section 11 of said chapter 131.

(307) Sprinkler System, Permit for Installation, Alteration or Repair of. The fees of the building commissioner for receiving an application for a permit under paragraph (a) of section 111 of the Boston Building Code to install, alter or substantially repair a sprinkler system or other fire extinguishing apparatus shall be a primary fee of \$25.00 and an additional fee of \$25.00 for each fifty sprinkler heads (or fraction thereof) in excess of fifty.

(308) Sprinkler System, Permit for Disconnection of. The fee for a permit granted by the head of the fire department under section 27A of chapter 148 of the General Laws shall be \$5.00.

(309) Stables. The fee for a license to occupy or use a building for a stable granted by the board of health and hospitals under chapter 89 of the acts of 1889 shall be \$100.00.

(310) Stallion Registration. The fee of the city clerk for recording under section 176 of chapter 140 of the General Laws the certificate for a stallion kept for breeding purposes shall be \$1.00.

(311) Standpipe Disconnection. See Sprinkler System Disconnection.

(312) Starch Mill, Permit to Operate. The fee for a permit granted by the chief of the fire department under section 6.02 of the Boston Fire Prevention Code to operate a starch mill shall be \$2.00 for each calendar month in which such permit may be exercised.

(313) Street Occupancy Permit for Advertising by Placard. The fee for a permit granted by the commissioner of public works under Title 14 section 287 of these ordinances for a person, while on foot in a street, to carry and display one or more show cards, placards or signs for the purpose of advertising goods, wares or merchandise for sale shall be \$5.00, except that, in cases where such a permit is granted for a period longer than one month, the fee therefor shall be \$5.00 for each monthly period for which it is granted.

(314) Street Occupancy Permit for Advertising by Distribution of Handbills. The fee for a permit granted by the commissioner of public works under Title 14 §287 of these ordinances for a person to distribute to persons in a street handbills, cards, circulars or papers (other than newspapers) for the purpose of advertising goods, wares or merchandise for sale shall be \$5.00 for each day for which such permit is granted.

(315) Street Occupancy Permit for Advertising Vehicle. The fee for a permit granted by the commissioner of public works under Title 14 §787 of these ordinances for a person to operate



in the streets north and east of Massachusetts avenue or any of them a vehicle used principally for advertising shall be \$2.00 for each day for which such permit is granted.

(316) Street Occupancy Permit for Awning, Canopy or Marquee. The fees for an annual permit granted by the public improvement commission under section 8 of chapter 85 of the General Laws for the permanent projection over a public way of an awning, canopy or marquee shall be, in the case of an awning, canopy or marquee without sign, a primary fee of \$15.00 and an additional fee of \$1.00 for each hundred square feet of public way covered thereby, and in the case of an awning, canopy or marquee with sign, a primary fee of \$25.00 and an additional fee of \$1.00 for each hundred square feet of public way covered thereby and a further additional fee of \$1.00 for each twenty square feet of the face area of the sign or signs determined by aggregating the face area of each sign as computed without regard to its shape by multiplying its maximum height by its maximum width within the limits of the public way; provided, however, that the primary fee for a renewal permit for which the fee is paid on or before the expiry date of the permit renewed shall be, in the case of an awning, canopy or marquee without sign, \$10.00, and in the case of an awning, canopy or marquee with sign, \$15.00. The fees for an annual permit granted by the commissioner of public works under said section 8 for the projection over a public way or ways from a single estate of one or more retractable awnings shall be a primary fee of \$5.00 and an additional fee of \$.50 for each hundred square feet of public way covered thereby. The fee for a permit granted by the commissioner of public works under said section 8 for the temporary projection over a public way of a cloth or canvas canopy shall be \$3.00 for each day for which such permit is granted.

(317) Street Occupancy permit for Awning Work. The fee for a permit granted by the commissioner of public works under Title 11 §158 of these ordinances to occupy or obstruct a portion or portions of a street or streets for the purpose of placing, repairing or removing one or more awnings on a specified building or structure shall be \$1.00 for each monthly period for which such permit is granted; and the fee for an annual permit so granted; and the fee for an annual permit so granted to occupy and obstruct portions of streets for the purpose of placing, repairing and removing awnings on buildings and structures shall be \$100.00.

(318) Street Occupancy Permit for Building Construction, Repair, Demolition, etc. The fees for a permit granted by the commissioner of public works under Title 11 §158 of these ordinances to occupy or obstruct a portion or portions of a street or streets in connection with the erection, alteration, repair, painting, cleaning, decorating, demolition, or removal of a building or structure shall be, for each monthly period in which such permit may be exercised, a primary fee of \$3.00 and an additional fee of \$1.00 for each ten square feet of street to be occupied or obstructed at any one time in such period, except that the total fee for a permit so granted to occupy or obstruct a portion or portions of a street or streets for the purpose of making to a specified building or structure alterations or repairs requiring not more than three consecutive working days to complete shall be \$1.00 and except further that the total fee for an annual permit so granted to occupy or obstruct a portion or portions of a street or streets for the purpose of cleaning decorative and sign work on a specified building or structure or removing stains from such building or structure or for both purposes shall be \$5.00.

(319) Street Occupancy Permit for Building Moving. The fee for a permit granted by the commissioner of public works under section 18 of chapter 85 of the General Laws or section 158 or 162 of these ordinances to move a building in a street or streets shall be \$150.00 for the first day, and \$75.00 for each additional day, on which it may be exercised.



(320) Street Occupancy Permit for Heating Plant Cleaning. The fee for a permit granted by the commissioner of public works under Title 11 §158 of these ordinances to occupy or obstruct a portion of a street for the purpose of cleaning the heating plant or plants of a specified building or structure shall be \$3.00; and the fee for an annual permit so granted to occupy and obstruct portions of streets for the purpose of cleaning heating plants of buildings and structures shall be \$100.00.

(321) Street Occupancy Permit for Oversize Vehicle, etc. The fee for a permit granted by the commissioner of public works under section 19 of chapter 90 of the General Laws to operate on a public way a motor vehicle or trailer having an outside width of more than ninety-six inches or an extreme over-all length of more than thirty-three feet or a vehicle of a height in excess of thirteen feet six inches shall be \$5.00 a day.

(321A) Street Occupancy Permit for Overweight Trailers. The fee for a permit granted by the commissioner of public works under section 19 of chapter 90 of the General Laws to operate or draw on a public way a trailer which with its load weighs more than five thousand pounds, other than a semitrailer, a heavy duty platform trailer, a cable-reel trailer, a house trailer, or a trailer which is an apparatus or other object on wheels not used to transport other things for delivery shall be \$5.00 a day.

(322) Street Occupancy Permit for Overweight Vehicle, etc. The fee for a permit granted by the commissioner of public works under section 30 of chapter 85 of the General Laws to operate or move on a public way a vehicle or object weighing more than fourteen tons or, in the case of a vehicle equipped with pneumatic tires, more than fifteen tons shall be \$5.00 a day.

(323) Street Occupancy Permit for Public Utility Work. The fee for an annual permit granted by the commissioner of public works to a public service corporation under Title 11 §158 or 163 of these ordinances to occupy or obstruct portions of streets for the purpose of clearing manholes and placing and testing equipment shall be \$18.00 for each ward for which such permit is granted.

(324) Street Occupancy Permit for Raising or Lowering Goods. The fee for a permit granted by the commissioner of public works under Title 11 §158 or 160 of these ordinances to occupy, obstruct or use a portion of a street for the purpose of raising or lowering goods or merchandise into or from a specified building or structure shall be \$3.00; provided, that the fee for an annual permit so granted shall be \$30.00.

(325) Street Occupancy Permit for Sign. The fees for an annual permit granted by the public improvement commission under section 8 of chapter 85 of the General Laws for the placement on, or the projection over, a public way of a sign, advertising device, clock or other like structure shall be a primary fee of \$10.00 and an additional fee of \$1.00 for each twenty square feet of the total face area thereof determined by aggregating the area of each face as computed without regard to its shape by multiplying its maximum height by its maximum width within the limits of the public way; provided, however, that the primary fee for a renewal permit for which the fee is paid on or before the expiry date of the permit renewed shall be \$5.00. The fee for a permit granted by the commissioner of public works under section 8 of chapter 85 of the General Laws for the temporary projection over a public way of a sign or advertising device shall be \$1.00 for each day for which such permit is granted.

(326) Street Occupancy Permit for Sign Work. The fee for a permit granted by the commissioner of public works under Title 11 §158 of these ordinances to occupy or obstruct a portion or portions of a street or streets for the purpose of placing, painting, repairing or removing a sign on a specified building or structure shall be \$3.00 for each monthly period for which such permit is granted; and the fee for an annual permit so granted to occupy and obstruct portions of streets for the purpose of placing, painting, repairing and removing signs on buildings and structures shall be \$300.00.

(327) Street Occupancy Permit for Snow Removal from Building. The fee for an annual permit granted by the commissioner of public works under Title 4 §158 of these ordinances to occupy or obstruct a portion or portions of a street or streets for the purpose of removing snow and ice from a specified building or structure shall be \$1.00.

(328) Street Occupancy Permit for Storage and Sale of Merchandise. The fee for a license to use specified parts of public streets for the storage and sale of merchandise granted by the commissioner of public works under section 1 of chapter 584 of the acts of 1907 shall be such sum, not less than \$5.00 nor more than \$3,000.00, as said commissioner shall determine approximates the value of the privilege granted.

(329) Street Occupancy Permit for Window Cleaning. The fee for an annual permit granted by the commissioner of public works under Title 11 §158 of these ordinances to occupy or obstruct a portion or portions of a street or streets for the purpose of cleaning one or more windows of a specified building or structure shall be \$1.00; and the fee for an annual permit so granted to occupy and obstruct portions of streets for the purpose of cleaning the windows of buildings and structures shall be \$50.00.

(330) Street Occupancy Permit for Window Glazing. The fee for a permit granted by the commissioner of public works under Title 11 §158 of these ordinances to occupy or obstruct a portion or portions of a street or streets for the purpose of glazing one or more window sashes of a specified building or structure shall be \$1.00 for each monthly period for which such permit is granted; and the fee for an annual permit so granted to occupy and obstruct portions of streets for the purpose of glazing window sashes of buildings and structures shall be \$100.00.

(331) Street Opening Permit. The fee for a permit granted by the commissioner of public works under Title 11 §158 of these ordinances to open a street or portion thereof shall be, in the case of an opening for the purpose of constructing a driveway, and also in the case of an opening for the purpose of entering a particular drain into a public sewer, \$5.00, and in the case of an opening for the purpose of constructing or reconstructing roadways and sidewalks or either, \$1.00 for each hundred linear feet of opening as measured by the sidelines of the street but in no event less than \$1.00, and in the case of an opening for any other purpose, \$1.00 for each two hundred square feet of street to be opened but in no event less than \$1.00; provided, that the fee for an annual permit granted by the commissioner of public works under said section 158 to a so-called district contractor to open streets or portions thereof for the purpose of repairing roadways and sidewalks in his district shall be \$10.00.

(332) Repealed by Ord. 1965 c. 6 §8.

(333) Repealed by Ord. 1962 c. 11 §2.



(334) Sunday Entertainment License. The fee for a license granted by the mayor under section 4 of chapter 136 of the General Laws for dancing on a Sunday or for a game, sport, fair, exposition, play, entertainment or public diversion on a Sunday shall be a primary fee of \$10.00 and, if a payment or collection of money or other valuable consideration is made for the privilege of being present thereat or engaging therein and the licensee or a predecessor of the licensee has previously in this city on a Sunday offered to view, set up, established or maintained similar dancing or a similar game, sport, fair, exposition, play, entertainment or public diversion, an additional fee of \$5.00 for each thousand of the average Sunday paid attendance during the last such dance, game, sport, fair, exposition, play, entertainment or public diversion so offered to view, set up, established or maintained; provided, however, that (a) in cases where the license is for a bowling alley or for billiard, pool or sippio tables, the fee shall be \$5.00, (b) in cases where the license is solely for entertainment provided by not exceeding four instrumentalists on premises where there is no admission or cover charge, the fee shall be \$5.00, (c) in cases where the license is solely for entertainment through the use of television, radio and music provided by mechanical or electrical means, or any of them, on premises where there is no admission or cover charge, the fee shall be \$2.00, (d) in cases where the license is for dancing at a wedding or celebration of a religious custom or ritual, the fee shall be \$2.00, and (e) in cases where the license is for a game, sport, fair, exposition, play, entertainment or public diversion conducted under the auspices of a religious society for a religious or charitable purpose in a place of worship or a hall used in connection therewith, there shall be no fee. The fee for an annual license granted by the mayor under said section 4 shall be: (i) in the case of a license for dancing, \$200.00; (ii) in the case of a license to offer to view motion pictures, \$100.00; (iii) in the case of a license for entertainment solely through the use of television, radio, and music provided by mechanical or electrical means, or any of them, \$50.00; and (iv) in the case of a license for a bowling alley or billiard, pool or sippio tables, a primary fee of \$5.00 and an additional fee of \$5.00 for each alley, bed or table. The fees fixed by this clause shall be in addition to any sum payable to the state commissioner of public safety.

(335) Repealed by Ord. 1962 c. 11 §2.

(336) Repealed by Ord. 1962 c. 11 §2.

(337) Repealed by Ord. 1962 c. 11 §2.

(338) Target Practice Range License. The fee for a target practice range license granted by the city council under Title 14 §274 of these ordinances shall be \$50.00.

(339) Taxicab Licenses. See Hackney Carriage Licenses.

(340) Taxes. See Assessor's Certificate, also Municipal Lien Certificate, also Real Estate Tax Payment Certificate.

(341) Tire Recapping Plant Permit. The fee for a permit granted by the chief of the fire department under section 2.02 of the Boston Fire Prevention Code to conduct and maintain a tire recapping or rebuilding plant shall be \$2.00 for each calendar month in which such permit may be exercised.

(342) Torch in Open Air. See Fire (Small or Torch) in Open Air.

(343) Towels. The charge to be paid to the parks and recreation department for a half-ounce piece of soap furnished by said department shall be \$.01; and the charge to be paid to said



department for the use on one day of each cotton crash towel furnished by said department shall be \$.02.

(344) Trailer Coach Park License. The fee for a trailer coach park license granted by the board of health and hospitals under section 32B of chapter 140 of the General Laws shall be, in the case of an original license, \$50.00 plus the cost of publishing the notice of hearing, and, in the case of a renewal license, \$25.00. The fee provided for by the preceding sentence shall be in addition to the additional license fee prescribed by section 32G of said chapter 140. The city clerk shall receive no fee for receiving and filing any copy of a trailer coach park license sent him by the board of health and hospitals pursuant to section 32F of said chapter 140.

(345) Transient Vendor's License. The fee for a license issued to a transient vendor by the city clerk under section 5 of chapter 101 of the General Laws shall be an amount equal to the tax assessable under the tax levy last preceding the issue of such license upon property having a valuation equal to the valuation certified under Title 14 §418 of these ordinances; provided that the fee for a license so issued to a transient vendor who, in the year in which such license is issued, has been or will be assessed taxes upon his stock in trade by the commissioner of assessing shall be \$10.00.

(346) Trapping License. The fee for a trapping license issued by the city clerk under chapter 131 of the General Laws shall be as prescribed by section 11 of said chapter 131.

(347) Trust Instruments and Amendments. The fee of the city clerk for receiving and filing under section 2 of chapter 182 of the General Laws a copy of a written instrument or declaration of trust, or a copy of an amendment thereof, shall be \$5.00.

(348) Trust Merged into Corporation. The fee of the city clerk for receiving and filing under section 46A of chapter 156 of the General Laws a copy, certified by the secretary of the commonwealth, of articles of amendment in connection with the merger of a trust into a corporation or a certificate issued pursuant to section 46F of said chapter 156 evidencing the filing of such articles with such secretary shall be \$5.00.

(349) Use Permit. The fee of the building commissioner for issuing a use permit under section 4-3 of the Boston Zoning Code shall be \$25.00.

(350) Used Car Dealer's License. See Second Hand Motor Vehicles.

(351) Vessels, Liens on. The fee of the city clerk for recording a statement filed under section 15 of chapter 255 of the General Laws to enforce a lien on a vessel shall be \$1.00 for each page or part thereof, but in no event less than \$3.00.

(352) Voter, Certificate of Appearance on Voting List of Name of Certain. The fee of the board of election commissioners for furnishing a certificate as to the appearance on an annual register of voters of the name of a particular person shall be \$1.00, except that, in cases where the board's minutes of the naturalization of such person are included therein on request of the applicant therefor, the fee shall be \$2.00.

(353) Wagon and Handcart Licenses. The fee for an annual license granted by the police commissioner under rules made by him in the exercise of such of the powers arising from section

22 of chapter 40 of the General Laws as are vested in him by or under the city charter shall be \$2.00.

(354) Waste Material Handling Plant Permit. The fee for a permit granted by the chief of the fire department under section 3.02 of the Boston Fire Prevention Code to conduct or maintain a waste material handling plant shall be \$2.00 for each calendar month in which such permit may be exercised.

(355) Water Meter, Examination and Test of. The fee of the commissioner of public works for examining and testing a water meter under section 10 of chapter 165 of the General Laws shall be \$3.00.

(356) Weights and Measures, Adjustment of. The charge to be paid for the repair, alteration or adjustment of any weight, scale, balance, measure, or measuring device shall be \$.10 for each minute or fraction thereof.

(357) Weights and Measures, Sealing of. The fee for the sealing of a weight or measure under sections 41 to 53, inclusive, or any of them, of chapter 98 of the General Laws shall be:--

(a) In the case of a machine or other mechanical device used for determining linear or area measurement, \$1.00 and

(b) In the case of a liquid capacity measure (other than a vehicle tank) with a measuring capacity of more than one gallon or a measure on a pump, \$.25; and

(c) In the case of a liquid measuring meter (other than a water meter) having an inlet pipe with a diameter of one inch or less, \$2.00; and in the case of such a meter having an inlet pipe with a diameter of more than one inch but not more than four inches, \$5.00; and in the case of such a meter having an inlet pipe with a diameter of more than four inches, \$10.00; and

(d) In the case of milk and cream bottles and jars, \$2.00 a gross; and

(e) In the case of a scale or balance with a weighing capacity of less than 10 pounds, \$1.00; and in the case of a scale or balance with a weighing capacity of 10 pounds or more but less than 100 pounds, \$2.00; and in the case of a scale or balance with a weighing capacity of 100 pounds or more but less than 5,000 pounds, \$5.00; and in the case of a scale or balance with a weighing capacity of 5,000 pounds or more but less than 10,000 pounds, \$10.00; and in the case of a scale or balance with a weighing capacity of 10,000 pounds or more, \$25.00; and

(f) In the case of a taximeter or measuring device upon a vehicle to determine the cost of transportation, \$2.00; and

(g) In the case of a vehicle tank used in the sale of a commodity by liquid measure and having a single compartment, and in the case of each compartment of a vehicle tank so used having two or more compartments, a primary fee of \$1.00 and an additional fee of \$1.00 for each 100 gallons, or fraction thereof, of capacity; and

(h) In the case of a weight or any other measure, \$.10.

(358) Welder's Certificate of Qualification. The charge of the building commissioner for issuing a certificate of qualification as a welder shall be \$25.00. The applicant for such a certificate shall at his expense furnish a suitable place for his examination, supply all structural steel bar stock and welding wire required therein, and provide for testing completed specimens.

(359) Woodworking Plant Permit. The fee for a permit granted by the chief of the fire department under section 18.01 of the Boston Fire Prevention Code to operate a woodworking plant, whether

or not including the storage on the premises thereof of in excess of one hundred thousand board feet of lumber, shall be \$2.00 for each calendar month in which such permit may be exercised.

(360) Repealed by Ord. 1970 c. 5 §3.

#### Historical Notes

For a history of many of the fees and charges enumerated in this section, see Rev. Ord. 1961 c. 30 §1 and 1971 Cumulative Supplement c. 30 §1. See also Ord. 1972 c. 5, Ord. 1972 c. 14 §2, and Ord. 1973 c. 2, Ord. 1974 c. 16, Ord. 1975 c. 1, Ord. 1975 c. 6.

### §451

#### WHEN PAID

Except as otherwise expressly provided by section 450, the entire fee fixed by said section for a permit or license shall be payable at the time of the issuance of such permit or license. The entire fee or charge fixed by section 450 for furnishing an article or the use thereof or the use of a place, and the entire fee or charge so fixed for furnishing a copy or certified copy of a record or paper, and the entire fee or charge so fixed for furnishing service or work shall be payable at the time of application therefor, except that charges fixed by clauses (168) to (181), inclusive, of said section and not waived under clause (167) of said section shall become due and payable only upon presentation of bill therefor.

#### Historical Note

Rev. Ord. 1961 c. 30 §2

### §452

#### RENEWAL FEES

Except as otherwise expressly provided in section 450, the fee for the renewal of a license or permit shall equal the fee which would be payable under section 450 for an original license or permit for the same purpose.

#### Historical Note

Rev. Ord. 1961 c. 30 §3

### §453

#### EXEMPTIONS FOR PUBLIC OFFICIALS

No board, officer or employee of the city or of the county of Suffolk shall be required to pay any fee for any license or permit required of it or him personally in the performance of its or his official duties; and no such board, officer or employee requiring in the performance of its or his official duties any services or work by the city or any department, board or officer thereof, shall be required to pay any charge for such services or work.

#### Historical Notes

Ord. 1957 c. 4

Rev. Ord. 1961 c. 30 §4



## §454 OTHER EXEMPTIONS

Nothing in section 450 shall be construed to affect in any way the exemption from a fee or charge for a permit or license provided by section 6 of chapter 572 of the acts of 1949 or by section 6 of chapter 669 of the acts of 1953 or by any similar statute.

## Historical Note

Rev. Ord. 1961 c. 30 §5

## Cross References

St. 1949 c. 572 §6

St. 1953 c. 669 §6

## §455 EXEMPTION FOR BOSTON HOUSING AUTHORITY

Neither the Boston Housing Authority nor any person acting in its stead shall be charged any fee for any license or permit for which the fee may be fixed by ordinance under chapter 222 of the acts of 1949.

## Historical Note

Rev. Ord. 1961 c. 30 §6

## Cross References

St. 1949 c. 222

Ordinances, Title 10 §1

§456 CITY RECORD: ADVERTISING AND SUBSCRIPTION CHARGES

The charge to be paid by boards and officers for the publication of advertisements in the City Record shall be \$1.00 for each quarter of an inch or fraction thereof. The City Record shall be sold on the following terms payable in advance: -- annual subscription, \$5.00; single copy, \$.15.

## Historical Note

Rev. Ord. 1961 c. 30 §7

## §457 ANNUAL SEWER USE CHARGES

Under authority of section 16 of chapter 83 of the General Laws and every other authority hereunto enabling, the annual charge for the use of the common sewers of the city by every estate in the city having one or more particular sewers discharging into such common sewers is hereby established as a primary charge of five dollars, an additional charge of one dollar for every thousand cubic feet, in excess of five thousand cubic feet, of water supplied by the city to such estate and billed in the calendar year in which the charge established by this section is assessed, and a further charge of one dollar for every thousand cubic feet of water derived or received by such

estate from any other source during the period covered by such billing; provided, however, that if water so supplied, derived or received is used on the estate in such a manner as not to enter the common sewers of the city, in determining the charge established by this section the quantity of water so used shall be deducted from the aggregate amount of water so supplied, derived or received during such period; provided further that in no case shall any charge be assessed under this section in excess of a just and equitable charge; and provided also that persons exempt from the payment of water rates and charges, but only such persons, shall be exempt from the charge established by this section.

The quantity of water supplied by the city through a water meter in good working order shall be determined by the readings of such meter. The quantity of all other water shall be estimated by the commissioner of public works by any reasonable and equitable method apt in the circumstances of the particular case to determine the quantity of water discharged through the particular sewer or sewers of the estate into the common sewers of the city; provided, however, in the case of water not supplied by the city but derived or received by an estate from another source, and also in the case of water used on an estate in such a manner as not to enter the common sewers of the city, that if such water is measured by one or more water meters in good working order installed and maintained on the estate by the commissioner of public works at the request and expense of the owner or tenant of such estate, the quantity of water so derived or received, or the quantity of water so used, or both, as the case may be, shall be determined by the readings of such meter or meters. Water supplied by the city or any other source exclusively for fire pipe purposes shall not be included in determining the charge established by this section.

During the last three months of every calendar year, the commissioner of public works shall assess upon every estate in the city having a particular sewer discharging into the common sewers of the city the charge established by this section, and in January of the next following calendar year certify to the commissioner of assessing a list of such charges. Said commissioner shall in his order of assessment designate as the owner of a parcel assessed the person who was liable to assessment therefor on the preceding January first under the provisions of chapter 59 of the General Laws.

#### Historical Notes

- Ord. 1961 c. 11
- Ord. 1962 c. 13
- Ord. 1962 c. 14
- Rev. Ord. 1961 (Sup. 1971) c. 30 §8

#### Cross References

- G.L. c. 59
- G.L. c. 83 §16
- Ordinances, Title 11 §150

§458

## PUBLIC TELEPHONES

The Public Improvement Commission be and it hereby is authorized from time to time to enter into agreements with the New England Telephone & Telegraph Company providing for the installation of public telephone booths on various public sidewalks in the City of Boston and providing further for the payment to the City of Boston by the New England Telephone & Telegraph

Company of commissions established in accordance with the regulations and standard rates of commission from time to time adopted by the Company.

Historical Notes

Ord. 1964 c. 1

Rev. Ord. 1961 (Sup. 1971) c. 30 §9

Cross Reference

Ordinances, Title 8 Chapter 9



Chapter 17 -- Dog Officer

Sec.

500 Duties of Dog Officer

## § 500 DUTIES OF DOG OFFICER

The dog officer appointed under section 151 of chapter 140 of the General Laws, or the domestic charitable corporation from time to time performing by contract the duties of dog officer in accordance with said section, shall apprehend and impound any dog found running at large in any street or public place within the city in violation of Title 14 §254 of these ordinances. Upon apprehending or receiving any such dog the dog officer or domestic charitable corporation performing duties as aforesaid shall make a complete registry, entering the breed, color, and sex of such dog, whether or not such dog is licensed, and, if such dog is licensed, the name and address of the owner and the number of the license tag. The dog officer or domestic charitable corporation performing duties as aforesaid shall as soon as possible notify the owner of any such dog, if known, that the dog has been impounded, and shall return any dog so impounded to the owner thereof upon payment of all costs and charges incurred by the dog officer or by such domestic charitable corporation in connection with the apprehension and detention of such dog and, if such dog is unlicensed when apprehended, upon presentation of a license for such dog secured from the police commissioner by the owner thereof.

The listing board or its agents shall give to each owner or harbinger of an unlicensed dog the form of application for a dog license that may from time to time be prescribed by the police commissioner, with as many duplicate copies of the same as may be required by the police commissioner, and shall inform each such owner or harbinger of the procedure, if any, that may be from time to time established by the police commissioner for submitting such application and securing such license by mail.

## Historical Note

Ord. 1972 c. 15 §1

## Cross References

G.L. c. 140 §151

Ordinances, Title 2 §§200,201

Ordinances, Title 14 §254



TITLE 15

SCHOOLS

Chap.		Sec.
1	School Department . . . . .	1

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Chapter 1 -- School Department  
No Ordinances Apply. See Special Statutes and Regulations.





TITLE 16

CHARITABLE INSTITUTIONS

Chap.		Sec.
1	George Robert White Fund . . . . .	1
3	Franklin Institute of Boston . . . . .	100
5	Old South Association . . . . .	200
7	Charitable Donations for Inhabitants of Boston . . . . .	250
9	Edward Ingersoll Browne Commission . . . . .	300

Chapters 1, 3, 5, 7

No Ordinances Apply. See Special Statutes and Regulations.

Chapter 9 - Edward Ingersoll Browne Commission

Sec.	
300	Board, Appointment, Compensation
301	Powers and Duties of Commission
302	Investment Counsel
303	Meetings, Report
304	Expenditure of Funds

§ 300 BOARD, APPOINTMENT, COMPENSATION

In order to facilitate the achievement of the goals of Edward Ingersoll Browne as recited in clause sixth of a certain will of the said Edward Ingersoll Browne proved October 3, 1901, and to act as the sole and exclusive agent of the city in expending any monies available or made available under that will, there shall be in the city a board, to be known as the Edward Ingersoll Browne Commission, consisting of the Mayor, that member of the City Council for the time being the senior member in time of service, or, in the event that two or more members have equal service, the senior of those in age, and the Collector-Treasurer. All Commissioners shall serve ex officio and without additional copmensation. The Mayor shall be chairman.

Historical Note  
Ord. 1975 c. 5 §1

## § 301 POWERS AND DUTIES OF COMMISSION

The provisions of section 10 of chapter 25 of the Revised Ordinances of 1961 [CBC Ord. 6 §159] to the contrary notwithstanding, the said Commission shall prudently manage, invest, and reinvest the funds bequeathed to the city under said will, together with such other sums as the Mayor and City Council may make available to it, and shall expend the same in a manner agreeable to the said will, or agreeable to the provisions of any order making monies available to said Commission, but no such funds shall be expended except upon appropriation lawfully made after consultation with a committee consisting of the following: one member appointed by the Mayor from two nominees of the Boston Society of Landscape Architects, one member appointed by the Mayor from two nominees of the Art Commission, the Park Commissioner, and the Public Works Commissioner, or their respective designees, all of whom shall serve without further compensation, and those appointed by the Mayor shall serve at the pleasure of their nominating body.

## Historical Note

Ord. 1975 c. 5 §2

## § 302 INVESTMENT COUNSEL

The said Commission shall annually elect a firm or individual having not less than twenty years experience in the administration and investment of trust funds to serve as investment counsel and fund manager for such compensation as the Commission shall determine. The Commission may require said individual or firm to give bond for faithful performance of his or its duties, and for such other purposes as the Commission may require, in an amount agreeable to the said Commission. Said firm or individual and those members of the said committee appointed by the Mayor shall be deemed to be special municipal employees for the purposes of chapter 268A of the General Laws, but this section shall not be deemed a waiver of the notice requirements of section 8 of chapter 486 of the Acts of 1909, as amended.

## Historical Note

Ord. 1975 c. 5 §3

## § 303 MEETINGS, REPORT

The said Commission shall meet at least quarterly on the first Wednesday or Thursday of January, April, July, and October, at which meeting the firm or individual elected as investment counsel and fund manager shall furnish a report in writing, setting forth the current condition of the fund and any recommendations relative to the investment of the fund in the three months next following, together with the reasons for such recommendation. The said Commission shall, annually in January, submit to the Mayor and City Council a report of its doings in the then previous year, together with an audited statement of the funds then in its control, and its estimate of the amount of money that will be available for expenditure in the then current year.

## Historical Note

Ord. 1975 c. 5 §4



## § 304

## EXPENDITURE OF FUNDS

Notwithstanding any provision of law or ordinance to the contrary, and notwithstanding the requirement of appropriation:

- a. This ordinance shall be published by the action of the City Council in passing the same.
- b. With the approval of the Mayor and City Council the said Commission may, for the purpose of matching federal, state, or private grants, grants-in-aid, gifts, or bequests, obligate the expenditure of funds under its control for purposes agreeable to the aforesaid Browne will and/or to the terms of said grant, grant-in-aid, gift, or bequest, whether or not the same is to be spent within the then current municipal or fiscal year.
- c. The said Commission may hold, and continue to hold, any security tendered to it, if in the opinion of the said Commission such holding would be of benefit to the fund.

## Historical Note

Ord. 1975 c. 5 §5



## TITLE 17

## MISCELLANEOUS PUBLIC BUILDINGS

Chap.		Sec.
1	Boston City Hall and the Boston Government Center Commission . . . . .	1
3	Auditorium Commission . . . . .	50
5	Boston Arena Authority . . . . .	100

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Chapter 1 -- Boston City Hall and the  
Boston Government Center Commission

No Ordinances Apply. See Special Statutes and Regulations.

Chapter 3 -- Auditorium Commission

Sec.	
50	Commissioners
51	Construction and Care of Municipal Auditorium
52	Management of the Boston Arena

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§50 COMMISSIONERS

There shall be in the city a board known as the Auditorium Commission, consisting of five officers known as Auditorium Commissioners, who shall be residents of the city, appointed by the mayor as follows: -- one from three candidates nominated by the City of Boston Hotel Association, one from three candidates nominated by the Greater Boston Real Estate Board, one from three candidates nominated by the Greater Boston Chamber of Commerce, and two selected at large by the mayor. Commissioners shall serve five years. As the term of any commissioner expires, his successor shall be appointed in like manner as such commissioner for a term of five years. Vacancies in the board shall be filled in the same manner for the unexpired term. Auditorium



commissioners shall serve without compensation, but shall be reimbursed for their traveling and other necessary expenses incurred in the performance of their duties.

Historical Notes

Ord. 1957 c. 2

Rev. Ord. 1961 c. 7 §1

§51

CONSTRUCTION AND CARE OF MUNICIPAL AUDITORIUM

The auditorium commission shall construct, or cause to be constructed, the municipal auditorium authorized by chapter 164 of the acts of 1954, with an exhibition hall, assembly hall and accessory rooms suitable for exhibitions, conventions and other shows and gatherings in the city; shall contract for the care and management thereof after its completion; and for such purposes may, subject to the approval of the mayor, make such contracts and employ such experts, assistants and employees as they may think necessary or expedient.

Historical Notes

St. 1954 c. 164

Rev. Ord. 1961 c. 7 §2

§52

MANAGEMENT OF THE BOSTON ARENA

The auditorium commission shall manage and care for the Boston Arena; and for such purposes may, subject to the approval of the mayor, make such contracts and employ such experts, assistants and employees as they may think necessary or expedient.

Historical Note

Ord. 1975 c. 12

Chapter 5 -- Boston Arena Authority

No Ordinances Apply. See Special Statutes and Regulations.

## TITLE 18

## SUFFOLK COUNTY

Chap.		Sec.
1	Suffolk County Courthouse Commission . . . . .	1
3	Suffolk County . . . . .	100
	Suffolk County Compensation Plan	

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Chapter 1 – Suffolk County Courthouse Commission

No Ordinances Apply. See Special Statutes and Regulations.

Chapter 3 – Suffolk County

No Ordinances Apply. See Special Statutes and Regulations









**RULES AND REGULATIONS**

Compilation of the

**RULES AND REGULATIONS**

**RELATING TO DEPARTMENTS OF THE CITY OF BOSTON**

(Prepared by Alison F. Chalmers, Norman C. Ross  
and David Hartigan)

**CITE AS**

City of Boston Code, Regulations, Title \_\_\_, chapter \_\_\_ (explanatory material).

[CBC Reg. \_\_\_, chap. \_\_\_ (exp.mat.)]





**TITLE 1**

**GENERAL PROVISIONS**

No rules or regulations apply to this title.





## TITLE 2

## FORM OF GOVERNMENT

Chap.		Sec.
1	In General . . . . .	1
3	Incorporation of City . . . . .	100
5	Elections	
	Election Department . . . . .	200
	Listing Board	
	Listing of Residents and Registration of Voters	
	Nomination and Election of Elective Officials	
	Miscellaneous Provisions Relating to Elections	
7	Mayor . . . . .	350
9	City Council . . . . .	450
11	City Clerk . . . . .	550
	Registry Division	
13	City Record . . . . .	650
15	Ordinances . . . . .	750
[17	Reorganization - Reserved for new legislation when code enacted . . . . .	850]

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Chapter 1 -- In General

## REGULATIONS

## Rules of the City Council (1974-75)

- 1) Time of Meetings
- 2) Quorum
- 3) Duties of Council President
- 4) Presiding Officer - Decisions and Appeals
- 5) Presiding Officer - Order of Motions
- 6) Presiding Officer - Division of Questions
- 7) Presiding Officer - Priority of Business
- 8) Presiding Officer - Votes
- 9) Presiding Officer - Replacement of Presiding Officer
- 10) Written Notice of Committee Reports, Orders, Ordinances, Resolutions, etc.
- 11) Motions to Strike Out and Insert
- 12) Subject Matter of Motions and Propositions; Referral to Executive Committee
- 13) Certification of Corporation Counsel
- 14) Referrals to Committees
- 15) Withdrawal of Motions Presented by the Presiding Officer
- 16) Order of Motions
- 17) Motions to Adjourn and To Table

- 18) Rules of Order
- 19) Readings
- 20) Motions to Reconsider - Debate and Voting
- 21) Motions to Reconsider - Resolution
- 22) Conduct of Members - Participation in Debate
- 23) Conduct of Members - Order of Speaking in Debate
- 24) Conduct of Members - Conflict of Interest
- 25) Conduct of Members - Manner of Voting
- 26) Committees
- 27) Order of Business at Council Meetings
- 28) Occupation of Seats of Members
- 29) Spectators
- 30) Committee Meetings
- 31) Form of Votes
- 32) Duties of Council Officers
- 33) Use of Rooms on Council Floor
- 34) Amendment and Suspension of Rules

#### AVAILABILITY

The Rules of the City Council are published annually in the booklet, "Organization of the City Government of Boston". This booklet is available free of charge to the public at the City Council Offices, 4th floor, City Hall, Boston.

#### AUTHORIZING LEGISLATION

Statutes, Title 2 §11

#### Chapter 3 -- Incorporation of City

There are no rules or regulations applicable to this chapter.

#### Chapter 5 -- Election Department

There are no rules or regulations applicable to the Election Department. Its powers and procedures are governed entirely by the statutory provisions of Title 2 §§200 through 245 and by Revised Ordinances, 1961 c.13.

#### OTHER MATERIALS

Nomination Petitions for City Elections  
Voting Lists (Available only to candidates)  
Police Lists (Available only to candidates)

## AVAILABILITY

The listed materials are available at Room 241, City Hall. The nomination petitions can be obtained free of charge. The Election Commission generally requires proof of candidacy by means of display of a nomination petition before either the Voting Lists or Police Lists can be obtained. There is a charge of \$5.00 per ward for the Police Lists.

### Chapter 7 -- Mayor

There are no rules or regulations applicable to this chapter.

### Chapter 9 -- City Council

There are no rules or regulations applicable to this chapter. For the Rules of the City Council, see Regulations, Title 2, chapter 1.

### Chapter 11 -- City Clerk

There are no rules or regulations applicable to the City Clerk.

## FORMS

Application for Raffle Permit

Application for Shellfish Permit

Application of Minor for a Licence as a Bootblack or Newspaper Dealer

Petition for Indemnification for Medical Expenses of a Retired City Employee

Statement of Candidate's Return of Contributions Received, Expenditures Made, and Liabilities Incurred

Statement of a Claim Against the City of Boston Under Contract

Application for Transient Vendor's License

Statement, Inventory, and Bond Filed in Connection with a Closing Out or Similar Sale

Statement of Appointment of Power of Attorney

Statement of Business' Name and Address

Statement of Constable's Commission and Bond

Statement of Appointment as Weigher of Goods or as Weigher of Coal

Petition to the City Council



## PUBLIC DOCUMENTS

Index to Financing Statements

Index to Liens on Personalty

Index to Mortgages

Contracts of City Departments

Long Term Contracts and Agreements Between City and Public or Private Parties

## AVAILABILITY

The listed forms and documents are available to the public for its use or inspection at Room 601, City Hall.

The City Clerk Department also acts as custodian of the City's ancient and historical records and documents. These are available to the public at the Main Branch Library, Copley Square, Boston.

### Chapter 13 -- City Record

The sole duty of this department is the weekly compilation and publication of the City Record. The current week's issue is for sale at the City Record Office, Room 203, City Hall for \$.15 per copy. Annual subscriptions can be purchased at Room 203 or by mail to the same address at \$5.00 per subscription. The back volumes of the City Record are available for reference only at the same location.

### Chapter 15 -- Ordinances

No rules or regulations apply to this chapter.

**TITLE 3****ACQUISITION AND DISPOSITION OF PROPERTY**

The city has adopted no rules or regulations regarding cemeteries under the authority of Statutes, Title 3 §5. There are no other rules or regulations applicable to this chapter.





## TITLE 4

## CONTRACTS

No rules or regulations apply to this title.

## FORMS

Form of Advertisement  
Notice to Bidders  
Proposal and Contract  
General Conditions  
Performance Bond  
Certificate of Authority  
Standard Invoice  
Purchase Order  
Request to Dispense with Bidding

## AVAILABILITY

The listed forms are available free of charge at the office of the Purchasing Agent, Room 613, City Hall, Boston. Proposals, contracts, and related documents for more specialized transactions such as architectural services and building construction are available for inspection. Vendors are interviewed from 10 a.m. to 12 noon Monday through Thursday. Invitations for furnishing materials and supplies are published in the City Record, Room 203, City Hall, Boston, The Dodge Reports, 858 Park Square Building, Boston, U.S. Governmental Advertiser, 669 8th Ave., New York, N.Y., and are posted outside the auditor's office, on the Mezzanine floor of City Hall. All publications are available at the Kirstein Business Branch of the Boston Public Library, 20 City Hall Avenue, Boston. Awards of contracts where bidding was dispensed with are published also in the City Record.

100

100

100

100

## TITLE 5

## ADMINISTRATION

Chap.		Sec.
1	Administrative Services Department . . . . .	1
	Art Commission	
	Public Safety Commission	
3	Boards, Departments: Officers, Subordinates and Employees . . . . .	100
	City of Boston Affirmative Action Program	
	City of Boston Compensation Plan	
5	Pensions, Retirement Allowances and Annuities . . . . .	300
7	Boston Retirement Board . . . . .	400
9	Law Department . . . . .	450

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Chapter 1 -- Administrative Services Department

There are no rules or regulations applicable to the Administrative Services Department itself, or to the Art Commission and the Public Safety Commission.

Chapter 3 -- Boards, Departments: Officers, Subordinates, and Employees

## REGULATIONS

Affirmative Action Program  
 Management Development and Compensation Plan  
 City of Boston Compensation Plan  
 Youth Activities Compensation Plan  
 Suffolk County Compensation Plan  
 Various Collective Bargaining Contracts

## AUTHORIZING LEGISLATION

G.L. c.31 §2A, G.L. c.35 §56  
 Statutes, Title 5 §100



## AVAILABILITY

Copies of the above plans are available for inspection at the Office of Administrative Services Personnel Division, Room 610, City Hall.

### Chapter 5 – Pensions, Retirement Allowances and Annuities

## REGULATIONS

Neither the Boston Retirement Board nor the Board of Trustees of the Teachers' Retirement Fund has adopted rules or regulations under the authorizing statutes.

## AUTHORIZING LEGISLATION

Boston Retirement Board: Statutes, Title 5 §326  
Teachers' Retirement Fund: Statutes, Title 5 §332

See Regulations, Title 5, chapter 7 for additional information.

### Chapter 7 – Boston Retirement Board

There are no rules or regulations applicable to the Retirement Board. The complete set of forms for use by participants in the State-City of Boston Retirement System plus an explanatory booklet regarding the System's functioning are available free of charge at the Retirement Board's office, Room 224, City Hall, Boston.

### Chapter 9 – Law Department

There are no rules and regulations applicable to the Law Department.

## TITLE 6

## GENERAL SERVICES

Chap.		Sec.
1	Auditing Department . . . . .	1
3	Assessing Department . . . . .	100
5	Treasury Department . . . . .	150
7	Appropriations and Loans . . . . .	200
9	Boston Finance Commission . . . . .	300

Chapter 1 - Auditing Department

No rules or regulations apply to the Auditing Department.

Chapter 3 - Assessing Department

No rules or regulations apply to the Assessing Department.

## FORMS

Form of list of Personal Property Subject to Taxation

Application for Abatement of Personal Property Tax

Return of Property Held for Charitable and Other Purposes

Application for Statutory Exemption (Personal Property of a Charitable Institution)

Application for Abatement (Real Property)

Application for Statutory Exemption from Real Estate Tax of Certain Elderly Persons

Application for Statutory Exemption from Real Estate Tax for Widow or Minor of Police Officer  
or Fire Fighter

Application for Exemption of Motor Vehicle and Trailer Excise Tax

Index of Taxable, and Exempt Realty and Personalty

## AVAILABILITY

The listed forms are available free of charge to applicants at the office of the Assessing Department, Room 301, City Hall, Boston.

The index of realty and personalty is open for public inspection at the same location.

Chapter 5 -- Treasury Department

No rules or regulations apply to the Treasury Department.

Chapter 7 -- Appropriations and Loans

No rules or regulations apply to this chapter.

Chapter 9 -- Boston Finance Commission

## REGULATIONS

Procedural rules and regulations for the conduct of hearings are available at the Finance Commission office at 3 Center Plaza in Government Center, Boston.

## OTHER MATERIALS

Annual Report

Library

## INTERPRETATIONS OF THE FINANCE COMMISSION STATUTE

Kaplan v. Sullivan, 290 Mass. 67 (1935)

The designation of a member of the Commission as Chairman thereof had the effect of terminating the designation previously made of another member.

Finance Commission v. McGrath, 343 Mass. 754 (1962)

Various inquiries were held to be within the scope of the Commission's power under the authorizing statute, so that the auctioneer must give testimony and produce records within his control relevant to such matters before the Commission.

Finance Commission v. Sheriff of Suffolk County, 349 Mass. 503 (1965)

An investigation voted by the Commission of "three breaks in the Charles Street Jail, with a view to issuing a report governing the causes of these breaks and proposing correction in the Jail's operations, if such are . . . needed," was limited to matters of discipline and was not within the scope of the Commission's function under the authorizing statute.

Finance Commission v. Basile, 354 Mass. 188 (1968)

Under an investigation voted by the Commission of various matters relating to appropriations, expenditures, accounts, and methods of administration of the office of Sheriff of Suffolk County including the service of process, an inquiry into the fees and expenses charged by deputy sheriffs for the service of process was reasonably related to the finances and methods of administration of Boston and Suffolk County.



Boston School Committee v. Finance Commission, \_\_\_ Mass. \_\_\_ (1974)

The Finance Commission has the right and authority to investigate publicly by all appropriate means testimonials and other fund raising activities held by or for members of the School Committee and the effect thereof on the administrative, operational, and financial practices and methods of the School Committee and the School Department.

#### AUTHORIZING LEGISLATION

Statutes, Title 6 Ch.9

#### AVAILABILITY

The Finance Commission is located at 3 Center Plaza, Boston, Mass. 02108. Bound volumes of the Commission's Annual Reports are open for public reference there. The Annual Reports contain the complete record of each investigation made by the Commission during a particular year.

The Commission's library, at the same location, has an extensive collection of urban and municipal materials and is open for use by members of the public with a need for such materials.



## TITLE 7

## ENVIRONMENTAL PROTECTION

Chap.		Sec.
1	Conservation Commission . . . . .	1
3	Air Pollution Control Commission . . . . .	50
5	Parks and Recreation Department . . . . .	100
7	Freedom Trail Commission . . . . .	150
9	Traffic and Parking Department . . . . .	200
11	Animal Control Commission . . . . .	300

Chapter 1 -- Conservation Commission

The Conservation Commission is not empowered to promulgate rules or regulations by any statute or ordinance. The scope of its powers and duties is defined by G.L. c.40 §8C and by Rev. Ord. 1961 c.10.1. The Conservation Commission also has a special function under the Wetlands Protection Act (G.L. c.131 §40 as amended).

## FORMS AND OTHER MATERIALS

Notice of Intent under the Wetlands Protection Act  
 Pamphlet: The Legacy of Frederick Law Olmstead  
 Pamphlet: Recycling  
 Map of Boston Parklands  
 Map of Boston Marshlands

## AVAILABILITY

The Conservation Commission is located at Room 911, City Hall, Boston. The Notice of Intent Form and various pamphlets can be obtained there free of charge. The maps are available for reference only. Additionally, the Commission prepares occasional reports on various environmental topics which can be obtained by the public as long as the supply lasts.

Chapter 3 -- Air Pollution Control Commission

## REGULATIONS

- Boston Noise Control Regulations
1. Definitions
  2. General Prohibition of Noise Emissions



3. Restrictions - Zoning Districts
4. Restrictions - Construction Sites
5. Restrictions - New Vehicles
6. Restrictions - New Outdoor Powered Equipment
7. Alarm and Public Address Systems
8. Permits
- X. Conflict with Other Regulations
- Y. Variances
- Z. Severability

#### Boston Atmospheric Pollution Regulations

1. Definitions
2. General Prohibition of Emissions
3. Fuels
4. Fuel Burning Equipment
- X. Variances
- Z. Severability

#### Appendix - Regulations of the Massachusetts Department of Public Health Subject to Local Enforcement:

7. Open Burning
9. Dust and Odor
10. Noise
11. Transportation Media

#### FORMS

Registration for an alarm or public address system

#### AUTHORIZING LEGISLATION

##### Boston Noise Control Regulations

General Laws c.40 §21

Rev. Ord. 1961 (Sup.1971) c.15 §2

##### Boston Air Pollution Control Regulations

General Laws c.111 §31C

Rev. Ord. 1961 (Sup.1971) c.15 §2

##### Mass Department of Health Regulations

General Laws c.111 §142B

#### AVAILABILITY

The listed regulations and forms are available free of charge at the Office of the Air Pollution Control Commission, Room 84, Quincy Market Building, Boston, telephone 227-4890.

Under Noise Pollution Regulation #8 a system of permits for construction sites will be established. These permits will be available at the same address.

### Chapter 5 -- Parks and Recreation Department

#### REGULATIONS

##### Rules Relative to the Use of the Public Parks and Other Public Places

1. Prohibited Activities within Areas under the Control of the Parks and Recreation Commission
2. Activities Prohibited unless Performed under the Auspices of Public Authority
3. Activities Prohibited unless Performed under the Auspices of Public Authority or in Areas Especially Set Aside by the Parks and Recreation Commission
4. Swimming Pool Regulations
5. Bridle Path Regulations
6. Commercial Activities within Areas under the Control of the Parks and Recreation Commission
7. Compliance with Directions of Police and the Parks and Recreation Department within Areas under the Control of the Parks and Recreation Commission
8. Snow and Ice Removal from Areas Abutting Areas under the Control of the Parks and Recreation Commission
9. Vehicular Traffic upon Areas under the Control of the Parks and Recreation Commission
10. Penalty for Violation of these Rules

##### Specifications Governing the Issuance of a Permit to Perform Excavations and Other Work upon Property of the Parks and Recreation Department

#### FORMS

##### Application for the use of Public Ways for Playground Purposes

##### Permit to Perform Excavations and Other Work upon Property of the Parks and Recreation Department

#### AUTHORIZING LEGISLATION

Rev. Ord. 1961 c.19 §3

#### AVAILABILITY

The Rules Relative to the Use of the Public Parks and Other Public Places are available free of charge in leaflet form at Room 802, City Hall.

The Specifications Governing the Issuance of Excavation Permits are printed on the permits themselves. These permits and the Applications for Use of Public Ways for Playground Purposes are also available free of charge at Room 802, City Hall.

### Chapter 7 -- Freedom Trail Commission

There are no rules or regulations applicable to the Freedom Trail Commission. The Commission maintains a tourist information center on the Boston Common. Available free of charge to the public at this location are numerous brochures and pamphlets detailing Boston's tourist attractions.

## Chapter 9 -- Traffic and Parking Department

### REGULATIONS

#### A. Traffic Rules and Regulations:

Article I - Definitions

Article II - Obedience to Police

Article III - Traffic Signs, Signals, Markings and Zones

Article IV - Stopping, Standing and Parking

Article IV A - Stopping, Standing and Parking in the Downtown Area

Article V - One-Way Regulations

Article VI - Operation of Vehicles

Articles VII & VIII - Exclusion of Vehicles

Article IX - Experimental Regulations

Article X - Penalties

Pedestrian Control Rules

#### B. Open-Air Parking Rules

1. Definitions

2. Application for Renewal License

3. Termination of License

4. License Not Transferable

5. Pavement, Pavement Markings, and General Maintenance

6. Signs

7. Fire Extinguishing Equipment

8. Parking Space Personnel

9. Parking or Storing of Vehicles

10. Identification Check

11. Exemption from Liability Prohibited

12. Report of Injury, etc.

### FORMS

Loading Zone Permit

Parade Permit

Bus or Trackless Trolley Stop Permit

Application for Street Opening Approval

Application for Open-Air Parking Space License

### AUTHORIZING LEGISLATION

Traffic Regulations: Title 7 §202

Open- Air Parking Rules: General Laws c.148 §56

### AVAILABILITY

Regulations: These are available in pamphlet form to the general public at the Traffic and Parking Department, Room 721, City Hall, Boston

Forms: These are available to applicants at the Traffic and Parking Department, Room 721, City Hall.



The regulations are in the process of revision and are expected to be published in revised form early in 1975.

#### Chapter 11 - Animal Control Commission

No rules or regulations apply to the Animal Control Commission.

At the Commission's office, Room 500, 5 Doane Street, Boston, there are a number of pamphlets concerning animal population which are available free of charge to the public. Additionally, the Commission is charged by Rev. Ord. 1961 c.4B §2 with the collection and periodic publication of statistics relating to Boston's animal population. When compiled, these statistics will also be available to the public.



## TITLE 8

## DEVELOPMENT

Chap.		Sec.
1	Public Facilities Commission . . . . .	1
3	Boston Redevelopment Authority . . . . .	100
5	Economic Development and Industrial Corporation . . . . .	200
7	Development and Industrial Commission . . . . .	300
9	Insutrial Development Financing Authority . . . . .	400
11	Public Improvements Commission . . . . .	500
13	Model City Agency . . . . .	600

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Chapter 1 -- Public Facilities Commission

There are no rules or regulations applicable to the Public Facilities Commission.

Chapter 3 - Boston Redevelopment Authority

REGULATIONS

Rules and Regulations for Securing Approval of Projects in Boston Under Chapter 121A of the General Laws as amended. Equal Opportunity Compliance Policy  
Also under consideration are Rules and Regulations Governing the Requirements for Protection of the Environment.

AUTHORIZING LEGISLATION

G.L. c. 121B §11 and G.L. c. 30 §§61-62

AVAILABILITY

Copies of these documents are available free of charge by contacting the Executive Secretary of the B.R.A., Room 982, City Hall, Boston, Mass.



Chapter 5 -- Economic Development and Industrial Corporation

## REGULATIONS

By-laws

## AUTHORIZING LEGISLATION

Statutes, Title 8 chapter 5

## AVAILABILITY

Copies of the By-laws are available to the public at the Mayor's Office of Commerce and Manpower, Room 808A, City Hall, Boston, where all inquiries concerning the Corporation should be directed.

Chapter 7 -- Development and Industrial Commission

## REGULATIONS

There are no rules or regulations applicable to the Development and Industrial Commission. The Commission's activity has been consolidated within the Mayor's Office of Commerce and Manpower, which is located at Room 808A, City Hall.

Chapter 9 -- Industrial Development Financing Authority

## REGULATIONS

By-laws

## AUTHORIZING LEGISLATION

General Laws c.40D

## AVAILABILITY

Copies of the By-laws are available at the Mayor's Office of Commerce and Manpower, Room 808A, City Hall, Boston.

### Chapter 11 -- Public Improvement Commission

#### REGULATIONS

There are no rules or regulations applicable to the Public Improvement Commission.

#### FORMS AND OTHER MATERIALS

Petition to the Public Improvement Commission

Petition for Abatement or Revision of Assessment

Petition for Damages

Petition for Construction of a Street

Minutes of Meetings of the Public Improvement Commission

#### AVAILABILITY

The listed forms are available free of charge to the public at the office of the Public Improvement Commission, Room 709, City Hall, Boston. The Minutes of the Commission's meetings are printed in bound volumes and are open for reference at the same location.

### Chapter 13 -- Model City Agency

There are no rules or regulations applicable to this agency.





## TITLE 9

## BUILDING REGULATION

Chap.		Sec.
1	Housing Inspection Department . . . . .	1
	Division of Weights and Measures	
3	Building Department . . . . .	50
	Building Code	
	Fenceviewers	
5	Board of Appeal . . . . .	150
7	Zoning Commission . . . . .	200
9	Beacon Hill Architectural Commission . . . . .	250
11	Back Bay Architectural Commission . . . . .	300
13	Board of Examiners . . . . .	350

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Chapter 1 - Housing Inspection Department

The Housing Inspection Department's basic role is to enforce those provisions of the State Sanitary Code which concern standards of fitness for places of human habitation.

## REGULATIONS

Requirement of Notice of Name and Address for Non-resident Owners of Rental Dwellings (Reg. 12.3)

## FORMS AND OTHER MATERIALS

Complaint Form (For both telephoned and in-person complaints)

Notice to Owner of Violation of State Sanitary Code

Proposed: Notice to Tenant of Possible Legal Remedies (Not yet adopted)

Booklet: The Housing Code and its Enforcement in the City of Boston

## AUTHORIZING LEGISLATION

State Sanitary Code: G.L. c.111 §127A

Enforcement by Housing Inspection Department of the State Sanitary Code: Rev. Ord. 1961 (Sup.1971) c.16A §2(b)

## AVAILABILITY

The State Sanitary Code is on public sale at the office of the Secretary of State, State House, Boston at \$10.00 per copy.

The Regulation adopted by the Housing Inspection Commissioner is available free of charge at

the Housing Inspection Department, Room 703, City Hall. It also appeared in the City Record and in the Boston Globe of 10/17/73.

All other forms and materials are available free of charge at Room 703, City Hall.

### Chapter 3 -- Building Department

For information regarding the Boston Building Code, see the Introduction to Statutes, Title 9 chapter 3.

#### REGULATIONS

State Building Code

Tear-Down Specifications

#### FORMS

Application for permit for Demolition, Ordinary Repairs, and Minor Alterations not Involving Vital Structural Changes

Application for Permit for Alterations, Repairs, or Change of Occupancy

Application for Permit to Erect a Building or Structure

Application for Permission to Amend Plans

Application for Permission to Use Premises

Application for Permit to Install Gas Appliances and to Maintain the Same

Application for Permit to do Gasfitting

Application for Permit to do Plumbing

Application for Permit to Install Standpipes and Other Fire Protective Appliances

Application for Permit to Install Chemical and Special Exstinguishing Systems

Application for Permit to Install Ovens, Furnaces, Steam Boilers, Engines, Dynamos, etc.

Application for Permit to Install Automatic Sprinklers

#### AUTHORIZING LEGISLATION

State Building Code: St. 1972 c.802

Tear-Down Specifications: Boston Building Code §116(j)

#### AVAILABILITY

The State Building Code can be purchased for \$10. per copy at the State Office of Rules and Regulations, Room 235B, State House, Boston, Mass.

The tear-down specifications are available free of charge at Room 808, City Hall, Boston.

All other forms are available at the permit desk, Room 807, City Hall, Boston.

### Chapter 5 -- Board of Appeal

The Board of Appeal has adopted no rules and regulations governing its procedures under the authorizing statute. Effective January 1, 1975, the Board of Appeal is replaced by the board provided for by St. 1972 c.802.

The specific duties of the Board of Appeal are set forth at §117-119 of the Boston Building Code and by §8 of the Boston Zoning Code. (See Introduction, Statutes, Title 9 chapter 3 for a fuller explanation.)

#### FORMS

Form A - Appeal to the Building Commissioner  
Appeal under the Boston Zoning Code

#### AUTHORIZING STATUTE

Statutes, Title 9 §151

#### AVAILABILITY

The listed forms are available free of charge at the Building Department, Room 807, City Hall, Boston.

### Chapter 7 -- Zoning Commission

#### REGULATIONS

Boston Zoning Code

#### OTHER MATERIALS

Zoning Maps  
Sign Code Pamphlet

#### AUTHORIZING LEGISLATION

Boston Zoning Code: Statutes, Title 9 §201; St. 1958, c.77 §1-

#### AVAILABILITY

Boston Zoning Code: The Code is offered for sale to the public at \$5.00 per volume. Copies of individual pages are also available at \$.10 per page.

Zoning Maps: These are offered for sale to the public at \$12. for the complete set of 12



encompassing the entire city. Individual maps may also be purchased at \$1.00 per map.

Sign Code Pamphlet: This pamphlet is available free of charge to the public.

Location: All of the listed materials can be obtained at Room 808, City Hall.

#### Chapter 9 -- Beacon Hill Architectural Commission

The Commission has adopted no regulations or rules governing its procedures under the authority provided by Statutes, Title 9 §250.

#### FORMS AND OTHER MATERIALS

Application for Certificate of Appropriateness  
Pamphlet containing the statute

#### AVAILABILITY

The application form and pamphlet are available free of charge from Richard Granara, Executive Secretary of the Commission, Room 808, City Hall.

#### Chapter 11 -- Back Bay Architectural Commission

The Commission has adopted no formal rules or regulations under the authority provided by Statutes, Title 9 §303; St. 1966 c.625 §4.

#### FORMS AND OTHER MATERIALS

Back Bay Residential District: Guidelines for Exterior Rehabilitation and Restoration  
Application for Certificate of Design Approval

#### AVAILABILITY

Both the booklet and the application form can be obtained at the office of Mace Wenniger, Executive Secretary of the Commission, Room 913, City Hall. There is a charge of \$1.25 per booklet.

#### Chapter 13 -- Board of Examiners

The Board of Examiners has adopted no rules or regulations under the authority provided by

Title 9 §350 and by §120 of the Boston Building Code, except for those appearing on the instruction sheet described below.

#### FORMS

Instruction Sheet for Boston Builder's and Demolition License Application  
Boston Builder's and Demolition License Application

#### AVAILABILITY

The Application and Instruction Sheet can be obtained at Room 803, City Hall.



## TITLE 10

## HOUSING SERVICES

## Chap.

- 1 Housing Authority
- 3 Rent and Eviction Regulations

Chapter 1 -- Housing Authority

## REGULATIONS

There is a myriad of regulations governing the Housing Authority. For Federally Assisted Projects, the Authority is subject to regulations promulgated by the Department of Housing and Urban Development (H.U.D., Regional Office at the J.F. Kennedy Building); for State Aided Projects, regulations of the State Department of Community Affairs (D.C.A, 100 Cambridge Street, Boston) are applicable.

The Authority itself has promulgated no regulations, but has adopted policies on various matters such as eligibility, tenant selection, and transfers.

## FORMS FOR PUBLIC USE

Probably attaining the status of regulations (see introduction to this Code) are a standard form lease and a tenant handbook.

## AVAILABILITY

The Housing Authority is located at 53 State Street, Boston, telephone, 227-3850. As of the date of this printing there has been no consolidation of any of the above listed items. For more complete information the Authority's legal department should be contacted.

## AUTHORIZING LEGISLATION

G.L. c. 121B §11(m) authorizes the Authority to adopt regulations. The authorizing legislation for Federal and State regulations is beyond the scope of this Code and either H.U.D., D.C.A., or the Authority's legal department should be contacted.



Chapter 3 -- Rent and Eviction Regulation

## BOSTON RENT REGULATIONS

1. Maximum Rents
2. Registration
3. Landlord Petitions for Adjustment
4. Tenant Petitions for Adjustment
5. Hearings on Adjustment Petitions and Proceedings
6. Fair Net Operating Income Defined; Standards for Adjustment of Maximum Rents
7. Limited General Adjustment of Maximum Rents
8. Jurisdiction

## BOSTON EVICTION REGULATIONS

1. Notice Terminating Tenancy Required
2. Notice of Tenant's Right Required
3. Summary Process
4. Violation of Regulations 1 -3
5. Substantial Code Violation Defined
6. Application for Certificate of Eviction
7. Content of Application for Certificate of Eviction
8. Docketing of Applications for Certificate of Eviction
9. Improper Applications; Amendment
10. Tenant's Opposing Statement
11. Letter to Tenants
12. Hearing Requests; Hearing Ordered by Administrator
13. Scheduling of Hearings; Notice; Evidence
14. Continuances; Failure to Appear at Hearing
15. Hearing; Waiver of Right to Hearing; Record of Hearing; Evidence
16. Disqualification of Hearing Officer or Board Member
17. Record
18. Decisions
19. Federally Financed Housing - Time Limit for Decisions; Application Deemed Granted
20. Default Procedures
21. Certificate of Eviction; Default Certificate
22. Issuance of Certificate; Notice of Issuance of Denial
23. Reconsideration
24. Statement of Reasons
25. Appeals
26. Recovery of Possession by Coercive or Forcible Conduct
27. Application to Federally Financed Housing
28. Effective Date
29. Judicial Construction

## FORMS

### REGISTRATION INSTRUCTIONS

1. Registration Statement for Individual Units
2. Registration Statement for Building
3. Property Financial Statement
4. Landlord Petition for Adjustment
- 4b. Application for General Adjustment
- 5a. Information Supplied by Tenant Opposing Landlord
6. Tenant Petition for Adjustment
13. Application for Ruling
- E-0. Notice of Tenant's Right to Oppose Eviction Proceedings
- E-1. Application for Certificate of Eviction
- E-2. Tenant's Opposing Statement

### AVAILABILITY

The Rent and Eviction Regulations, the Registration Instructions, and the listed forms are available free of charge to the public at Room 201, 18 Tremont Street, Boston.

Also available is an explanatory letter to tenants detailing the workings of the Rent Control law. This letter has been printed in English, Spanish and Chinese.

### AUTHORIZING LEGISLATION

The Rent and Eviction Regulations have been promulgated under the authority granted the Rent Board by St. 1970 c.842 §5.



## TITLE 11

## PUBLIC SERVICES

Chap.		Sec.
1	Police Department . . . . .	1
	Constables	
	Harbor Master	
3	Fire Department . . . . .	75
5	Public Works Department . . . . .	150
7	Real Property Department . . . . .	250
9	Library Department and Trustees of the Public Library . . . . .	350
11	Civil Defense Department . . . . .	400

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Chapter 1 -- Police Department

## REGULATIONS

## Rules and Regulations of the Boston Police Department:

## Jurisdiction of Boston Police

## Rules and Regulations

1. References and abbreviations
2. Organization
3. Appointments, resignations
4. Grades and ranks
5. Promotions, transfers, assignments
6. Secretary
7. Chief clerk
8. Superintendent of police
9. Deputy superintendents
10. Bureau of criminal investigation
- 10a. Detective bureau
11. Bureau of operations
12. Crime prevention bureau
13. City prison
14. House of detention
15. Drillmaster
16. Police school
17. Divisions and boundaries
18. Traffic division
19. Harbor police
20. Commanding officers
21. Division commanders



22. Lieutenants
23. Division sergeants
24. Patrolmen
25. Patrolmen - Radio patrol cars
26. Patrolmen - Traffic posts
27. Patrolmen - Mounted
28. Patrolmen - Motorcycles
29. Patrolmen - Patrol wagon and ambulance duty
30. Patrolmen - Signal desk
31. Station houses
32. Uniforms, equipment
33. Residence, hours of duty
34. Conduct, deportment, and general provisions
35. Use of revolvers and clubs
36. Pay and allowances
37. Public and paying police details
38. Absence from duty
39. Rewards, gifts
40. Arrests and prisoners
41. Fugitives from justice
42. Bail and bail commissioners
43. Courts, evidence
44. Medical examiners' service; sudden deaths, dead bodies
45. Accidents, the sick and injured
46. Streets, sidewalks
47. Fires
48. Newspaper publication
49. Signal service
50. Missing persons - lost children
51. Records, blanks, etc.
52. Official letters
53. Bonds
54. Charges, trials, penalties
55. Property clerk
56. Department property
57. Supplies and repairs
58. Condemned property
59. Property held for others
60. Stables and horses
61. Licenses issued by the police commissioner
62. Firearm licenses
63. Special police
64. Street railway motormen, conductors and starters
65. Hackney carriages and hackney carriage drivers
66. Sight-seeing automobiles
67. Auctioneers
68. Pawnbrokers
69. Dealers in second-hand articles
70. Sale of second-hand motor vehicles
71. Junk shopkeepers

- 72. Junk collectors
- 73. Trucks, wagons, etc.
- 74. Hawkers and peddlers
- 75. Music in public streets
- 76. Dog and kennel licenses
- 77. Public lodging houses
- 78. Registration and operation of bicycles

#### Order Adopting Rules

#### Appendix:

##### Part I

Fees for licenses and permits issued by the police commissioner  
Police commissioners since 1878  
Police pensions and benefits  
Historical Note  
Police use of revolvers  
Roll call - Line-up  
The police and the insane  
Police authorized to enter certain licensed premises  
Sale of alcohol and alcoholic beverages  
Jurisdiction of federal reservations, buildings and the like  
Reports on highway accidents  
Dance hall rules  
Public speaking in streets  
Workmen's compensation  
Estimated area and population

##### Part II

Law providing for appointment of police commissioner  
Special laws relating to the Boston police department, the Boston licensing board, the mayor,  
and the city of Boston.

##### Part III

General Laws of the Commonwealth of Massachusetts, selections from  
Index

In addition to the above looseleaf bound set (1950) of Rules and Regulations, various new and updated Rules and Regulations are published in bulletin style. Currently available are the following:

- Rule No. 100 - Territorial Jurisdiction
- Rule No. 101 - Organization of the Department
- Rule No. 300 - Release of Official Information
- Rule No. 301 - Pursuit Driving

The following pamphlets have also been published:

- Summary of the Department's History and Duty
- Crime Alert pamphlets
  - Security for Your Business
  - Home Security
  - Stop Rape

## FORMS

Second-hand motor vehicles - change of situation  
Petition to obtain a special police officer  
Petition for license to trade second hand articles  
Petition for license to operate junkshop  
Petition for license to be pawnbroker  
Pawnbroker's bond  
Storage and sale of merchandise on public ways - approval form  
Petition to perform upon musical instruments in streets and public places  
Application for a permit to purchase, rent or lease a pistol or revolver  
License to sell, rent, or lease firearms, shotguns and rifles.

## AUTHORIZING LEGISLATION

Statutes, Title 11 §1, specifies authorizing legislation for issuing the various licenses and permits which also is found both on the face of the forms and in the Rules and Regulations.

## AVAILABILITY

The material is available at the Informational Services Division, 154 Berkeley Street, Boston.

## Chapter 3 -- Fire Department

## REGULATIONS

The Fire Prevention Code and other regulations are in the process of being rewritten (see below for availability)

## FORMS

The Fire Prevention Division issues the following permits:

999 gals. No. 4,5,6 fuel  
1000 - 1999 gal. No. 4,5,6 fuel  
2000 - 2999 gal. No. 4,5,6 fuel  
3000 - 3999 gal. No. 4,5,6 fuel  
4000 - 4999 gal. No. 4,5,6 fuel  
5000 - 5999 gal. No. 4,5,6 fuel  
Acet. & Oxy. - 1 tank each  
Var. Inflam.  
6000 - 6999 fuel  
7000 - 7999 gal. fuel  
8000 - 8999 gal. fuel

9000 - 9999 gal. fuel  
Place of Assembly  
10,000 gals. fuel oil  
Tire recapping or rebuilding plant  
Auto wrecking yards, junk yards  
Bowling pin refinishing and bowling resurfacing  
Combustible fibre storage and handling  
Dust operations  
Certificate of Competency to service fire extinguishers  
Fumigation vault  
Spray or dipping operations  
Operation of dry-cleaning plant  
Business of fumigation and maintenance of fumigation room  
Corrosive liquids - (more than 55 gals.)  
    Oxidizing materials (more than 550 lbs.)  
    Radioactive materials (more than 500 M/C)  
    Organic peroxides - 10 lbs or more  
    Ammonium Nitrate - 500 lbs. or more  
    Highly toxic material - any amount  
    Poisonous gases - any amount  
Plastics manufacturing and handling  
Incinerator - firing of - domestic  
Lumber storage - over 100,000 board feet  
    (Building material yard, woodworking plant)  
Magnesium working - more than 10 lbs per day  
Manufacturing matches and storage of matches (over 60 matchmen's gross)  
Ovens - operation of (oil or gas fired)  
Waste material handling  
Blasting  
Tank removal  
Analysis C. of A.  
Analysis (Flash)  
Incinerator - Commercial - Industrial  
Installation  
Ammo  
Fires in the open  
    C2A  
    C2B  
    Dom. Inc.  
    Com. Inc.  
    Bar-b-que  
    Large fires  
    Sprinklers  
    Tar kettles  
Fireworks (Supervised display)  
Torches  
Rocket fuel  
Toxic materials (\$10.00 plus \$3.00 etc. additional by lbs. cu. ft. gals.)  
Licenses



## AUTHORIZING LEGISLATION

Fire Prevention Code

Statutes, Title 2 §753, Title 11 §87

See also Statutes, Title 15 §34, Title 14 §158,159 G.L. c.148 §28

## AVAILABILITY

Applications for the listed permits and further information may be obtained at the Fire Prevention Division of the Boston Fire Department, 115 Southamptton Street, Boston. Questions about the status of the Fire Prevention Code and other regulations should be addressed to either the Fire Commissioner at the above address or Thomas McKenna of the Law Department, Room 615, City Hall, Boston.

## Chapter 5 -- Public Works Department

## REGULATIONS

Rules and regulations relating to projections in, on, or over the public ways

- 1) Definitions
- 2) General rules
- 3) Exemptions
- 4) Marquees and permanent awnings, hoisting devices, and sidewalk lettering
- 5) Requirement for temporary canopies and awnings
- 6) Fees

Rules and regulations relating to the fabrication and erection of signs projecting into the public way

- 1) Single-faced, double-faced, plain or illuminated signs
- 2) V signs, plain or illuminated
- 3) Marquees and marquee signs
- 4) Signs projecting less than 12 inches
- 5) Minimum height

Rules and regulations relating to the storage, display, and sale of merchandise in a public street

- 1) Definitions
- 2) Duties of licensee
- 3) Application procedure
- 4) Review of application
- 5) License duration and renewal
- 6) License fees

- 7) Sidewalk privilege
- 8) Designated areas for hawkers and peddlars
- 9) Renewal procedure
- 10) Penalty

Rules and regulations for laying drains

Regulations for service pipes

Rules and regulations of the Metropolitan District Commission covering discharge of sewage, drainage, substances, or wastes

- 1) Definitions

- 2) Use of the Metropolitan Sewage system

Schedule of fees for permits issued by the public works department

Schedule of dumping fees at the Gardner Street dump

For regulations concerning street work and water use, which have been enacted as ordinances, see Ordinances, Title 11 §§158, 177. Likewise, for regulations concerning rubbish collection, see Ordinances, Title 14 §§294 through 297.

## FORMS

General service application for a service pipe to supply water

Fire service application for a service pipe to supply water

Meter supply application and change of name or address form

Application to decrease the size of a water meter

Application for a fire pipe flow test charge

Application for abatement of sewer use charge

Application for abatement of water charge

## AUTHORIZING LEGISLATION

Regulations concerning public ways: Ordinances, Title 11 §152

Regulations concerning drains: Ordinances, Title 11 §159

Regulations concerning service pipes: Ordinances, Title 11 §163

M.D.C. sewage regulations: G.L. c.92 §2

## AVAILABILITY

The three sets of regulations dealing with the public ways are published in a booklet which can be obtained free of charge at the Permit Division of the Department, Room 714, City Hall, Boston. This booklet also contains the fee schedule for permits issued by the Department.

The listed forms and the service pipe and drain regulations, which are printed on the relevant application forms, are available free of charge at the Department's Water Division, Room 715, City Hall, Boston.

Copies of the M.D.C. sewage regulations are available free of charge at the Department's Sewer

Division, Room 716, City Hall, Boston.

The fee schedule for the Gardner Street dump can be obtained free of charge at the Department's Sanitary Division, Room 708, City Hall, Boston.

#### Chapter 7 -- Real Property Department

No rules or regulations apply to this department.

#### Chapter 9 -- Library Department and Trustees of the Public Library

##### REGULATIONS

Library Regulations applicable to the new building are now being prepared along with appropriate forms.

##### AUTHORIZING LEGISLATION

Statute, Title 11 §§350,352

#### Chapter 11 -- Civil Defense Department

No rules or regulations apply to this department.

## TITLE 12

## PUBLIC HEALTH AND WELFARE

Chap.		Sec.
1	Department of Health and Hospitals and Trustees of Health and Hospitals . . . . .	1
3	Veterans' Services Department . . . . .	50
5	Council on Aging . . . . .	100
7	Commission on the Physically Handicapped . . . . .	150
9	Commission on Mental Retardation . . . . .	200
11	Youth Activities Commission and Corporation . . . . .	250
13	Drug Abuse Coordinating Council . . . . .	300
15	Penal Institutions Department . . . . .	350

Chapter 1 -- Department of Health and Hospitals and  
Trustees of Health and Hospitals

## REGULATIONS

The Board of Health and Hospitals has adopted only two regulations since its creation in 1965:

A regulation requiring the public posting of the retail prices of certain prescription drug items by pharmacists within the city of Boston.

A regulation requiring public notification of certain violations of the sanitary code.

The latter regulation was adopted by the board, but its implementation has been stayed by a temporary restraining order of the Suffolk Superior Court.

The Environmental Health Services Division office is responsible for issuing permits and making inspections of eating and drinking establishments and related businesses as specified in the General Laws, State Sanitary Code, and city ordinances and regulations.

Environmental Health Services office issues permits for and/or makes inspections of the following:

- Eating and drinking establishments
- Retail food stores
- Common victualer's license
- Bakeries
- Mobile food services
- Swimming pools and wading pools



Public bathing beaches (L street only)  
Semi-private bathing beach (none at present in Boston)  
Massage and vapor baths  
Hawkers and peddlers  
Egg canning  
Transporting of garbage, offal or other offensive substance through the streets  
Dumping ashes and house refuse  
Live fowl  
Cemeteries  
Cesspool cleaning trucks  
Recreational camps, overnight camps or cabins, motels, mobile home parks  
Stables  
Sandblasting

#### AVAILABILITY

Information on forms, applications, inspections and hearing procedures is available at the Environmental Health Services office at 5 Doane Street, Boston, 02109.

### Chapter 3 - Veterans' Services Department

#### REGULATIONS

The Veterans' Services Department has no authority under statute or ordinance to promulgate rules or regulations. The Department's procedures and policies regarding the payment of benefits are governed by the "Directives Governing Procedures and Policies Relating to G.L. c.115," which are promulgated by the Massachusetts' Commissioner of Veterans' Services.

These Directives are open for reference by the public at the Veterans' Services Department, Room 401, City Hall, Boston, and can be purchased for \$1.50 per copy at the Office of Rules and Regulations, Room 235B, State House, Boston, Mass.

#### FORMS

Application for veterans' benefits  
Directions for obtaining the requisite information and documents

#### AVAILABILITY

The listed forms are available to applicants at the Veterans' Services Department, Room 401, City Hall, Boston.

Chapter 5 - Council on Aging

No rules or regulations apply to this chapter.

Chapter 7 - Commission on the Physically Handicapped

No rules or regulations apply this chapter.

Chapter 9 -- Commission on Mental Retardation

No rules or regulations apply to this chapter.

Chapter 11 -- Youth Activities Commission and Corporation

The youth activities commission has promulgated no rules or regulations. Its various publications are available at the commission office at 73 Hemenway Street, Boston.

Chapter 13 -- Drug Abuse Coordinating Council

There are no rules or regulations applicable to the Drug Abuse Coordinating Council. The Council has available for public distribution numerous informational materials prepared by various sources regarding drugs and drug abuse. In addition, the Council has prepared a bibliography for research in the field of drugs and is able to furnish a list of bibliographies for those interested. The Council's office is located in Room 205, City Hall, Boston.

Chapter 15 -- Penal Institutions Department

Penal Institutions is in the process of revising regulations in regard to disciplinary proceedings, administrative proceedings, furlough release, and work and education release.

For further information regarding these regulations or other Penal Institutions matters, contact the Penal Institutions Department office, Room 704, City Hall, Boston.



## TITLE 13

## HOUSING COURT

Chap.

Sec.

1

Housing Court . . . . . 1

Chapter 1 -- Housing Court

## REGULATIONS AND FORMS

The Housing Court was empowered by G.L. c.185A §7 to adopt its own procedural rules and forms. However, as a result of the promulgation and adoption of the Mass. Rules of Civil Procedure by the Judicial Conference under the authority of G.L. c.213 §3, the Housing Court's Rules are no longer in effect and the Housing Court is now governed by the Mass. Rules of Civil Procedure and Criminal Procedure. As a result, the Housing Court now utilizes the standard forms for its proceedings.

## AVAILABILITY

The Housing Court is located in Room 1003 of the New Court House, Pemberton Square, Boston, Mass. Copies of any required forms are available there.





## TITLE 14

## LICENSES AND PROHIBITIONS

Chap.		Sec.
1	Licensing Board . . . . .	1
3	Committee on Licenses . . . . .	50
5	Director of Markets . . . . .	100
7	Regulations Under Police Power . . . . .	150
9	Consumers' Council . . . . .	200
11	Prohibitions and Penalties . . . . .	250
13	Regulations Affecting Certain Trades . . . . .	400
15	Fees and Charges . . . . .	450
17	Dog Officer . . . . .	500

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Chapter 1 -- Licensing Board

## REGULATIONS

Club license regulations

Druggist license regulations

Innholder alcoholic beverages license regulation

Tavern license regulations

Automatic amusement device regulations

Regulations for licenses for the sale of alcoholic beverages. To be served and drunk on the premises.

## FORMS

Application for a special alcoholic beverage license

Application for a club alcoholic beverages license

Application for a tavern alcoholic beverages license and common victualer license

Application for retail package store alcoholic beverages license

Application for innholder license and innholder alcoholic beverages license

Application for druggist alcoholic beverages license

Application for extension of hour for the sale and service of alcoholic beverages until 2:00 a.m.

Application for renewal of alcoholic beverages license

Application for license for automatic amusement device

Application for license to be a common victualer

Application for a victualer license for clubs, societies, associations, or other organizations

Application for an entertainment license

Application for innholder's license without alcoholic beverages

Application for a lodging house license

Application for a license to be a retail vendor of soft drinks

Application for a license for billiard tables, pool table, sippio tables, or bowling alleys

## AUTHORIZING LEGISLATION

Alcoholic beverage regulations: Statutes, Title 14 §4, see also G.L. c.138

Automatic amusement device regulations: Statutes, Title 14 §4, see also G.L. c.140 §177

## AVAILABILITY

All regulations promulgated by the licensing board appear on the face of the applicable licenses. The listed forms and regulations are available at the office of the Licensing Board, Room 240, City Hall, Boston.

### Chapter 3 -- Committee on Licenses

There are no rules or regulations applicable to this chapter.

### Chapter 5 -- Director of Markets

There are no rules or regulations applicable to this chapter.

### Chapter 7 -- Regulations Under Police Power

All rules, regulations, and licenses whose promulgation or issuance has been authorized by a provision of this chapter are listed under the chapter of the Code dealing with the department, board, or commission which has been empowered to promulgate the regulations or issue the license.

### Chapter 9 -- Consumers' Council

## REGULATIONS

Under Ordinances, Title 14 chapter 9, the Consumers' Council has no authority to promulgate rules or regulations. The Council's sphere of activity includes the conduct of studies, investigations, and research on matters affecting consumers' interest, the conduct of educational programs for

the purpose of informing consumers, and the exertion of its efforts to insure full enforcement of consumer legislation. In the past the Council has investigated gas stations to determine the extent of compliance with federal price stabilization regulations, has made comparison surveys of Boston supermarket chain prices, and has authored a report to the mayor on the advisability of the development of a cable television system in Boston. The Council also maintains a staff of investigators to respond to the complaints of individual consumers and, when necessary, to assist complainants in small claims litigation.

#### AVAILABILITY

The Consumers' Council's office is located in Room 721, City Hall, Boston. Copies of any reports or surveys made by the Council are available to the public at this location.

#### Chapter 11 -- Prohibitions and Penalties

For any rules, regulations, or permits mentioned in the provisions of this chapter, see the chapter of the Code dealing with the department, board, or commission which has authority over the particular regulations or permit.

#### Chapter 13 -- Regulations Affecting Certain Trades

There are no rules or regulations applicable to this chapter.

#### Chapter 15 -- Fees and Charges

There are no rules or regulations applicable to this chapter.

#### Chapter 17 -- Dog Officer

There are no rules or regulations applicable to this chapter.





TITLE 15

SCHOOLS

Chap.		Sec.
1	School Department . . . . .	1

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The School Department Regulations are in the process of revision and will be published in the Code when the revision is completed.



## TITLE 16

## CHARITABLE INSTITUTIONS

Chap.		Sec.
1	George Robert White Fund . . . . .	1
3	Franklin Institute of Boston . . . . .	100
5	Old South Association . . . . .	200
7	Charitable Donations for Inhabitants of Boston . . . . .	250

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Chapter 1 -- George Robert White Fund

There are no rules or regulations applicable to this chapter.

Chapter 3 -- Franklin Institute of Boston

## REGULATIONS

## By-Laws

## AUTHORIZING LEGISLATION

By-laws: Statutes, Title 16 §101

## AVAILABILITY

Copies of the Franklin Corporation's by-laws, as well as copies of all Special Statutes pertaining to the Institute, are available at the Franklin Institute, 41 Berkely street, Boston.

Chapter 5 -- Old South Association

There are no rules or regulations applicable to this chapter.



Chapter 7 -- Charitable Donations for Inhabitants of Boston

There are no rules or regulations applicable to this chapter.

## TITLE 17

## MISCELLANEOUS PUBLIC BUILDINGS

Chap.		Sec.
1	Boston City Hall and the Boston Government Center Commission . . .	1
3	Auditorium Commission . . . . .	50
5	Boston Arena Authority . . . . .	100

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There are no rules or regulations applicable to this title.



## TITLE 18

## SUFFOLK COUNTY

Chap.		Sec.
1	Suffolk County Courthouse Commission . . . . .	1
3	Suffolk County . . . . .	100
	Suffolk County Compensation Plan	

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Chapter 1 -- Suffolk County Courthouse Commission

There are no rules or regulations applicable to this chapter.

Chapter 3 -- Suffolk County

This chapter is currently being compiled, and will be included upon completion.









# STATUTES DISPOSITION TABLE

## DISPOSITION OF SPECIAL ACTS & CHARTER PROVISIONS

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St. 1846 c. 167 §15	T.14 §172



# STATUTES DISPOSITION TABLE

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